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MASSACHUSETTS BLACK LEGISLATIVE CAUCUS 1986 LEGISLATIVE OVERVIEW

JUDY F. CARSON
MBLC LEGISLATIVE AIDE
JULY 28, 1987

The Commonwealth of Massachusetts

Great and General Court

Massachusetts Black Caucus

State House, Boston 02133

SENATOR

ROYAL BOLLING, SR.
2nd SUFFOLK DISTRICT

REPRESENTATIVES

RAYMOND JORDAN
12th HAMPDEN DISTRICT

SAUNDRA GRAHAM
28th MIDDLESEX DISTRICT

BYRON RUSHING
9th SUFFOLK DISTRICT

GLORIA FOX
7th SUFFOLK DISTRICT

AUGUSTO GRACE
23rd MIDDLESEX DISTRICT

SHIRLEY OWENS-HICKS
6th SUFFOLK DISTRICT

July 30, 1987

Tel. 722-2680
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Dear Members of the Massachusetts
Black Legislative Caucus:

I am pleased to report that the 1986 legislative year was an outstanding year for implementing significant legislation, as indicated here in this 4th Annual Legislative Overview of the Massachusetts Black Legislative Caucus.

In the course of the 1986 legislative session, the members of the Massachusetts Black Legislative Caucus were the sponsers of approximately 203 pieces of legislation. There were fourteen bills initially petitioned by the Caucus which were successfully signed into law. The 1986 legislation extended from municipal concerns, such as Education, Housing, Job Training and Urban Development, to bills focusing on Foreign Investments and Minority Businesses.

Your diverse selection of legislation reflects your continued commitment to enhance the economic independence and protect the individual rights of all citizens of the Commonwealth. This Legislative Overview throughly specificates the actions taken on all bills filed and supported by the Caucus.

The following pages highlight the positive results made by each Massachusetts Black Legislative Caucus member, each Legislative Aide and each member of the Massachusetts Black Legislative Caucus staff.

It has been my pleasure working for and with you during the 1986 legislative session. Congratulations on a job well done.

Sincerely,

Judy F. Carson
Legislative Aide
Massachusetts Black Legislative Caucus

JFC/lj

MASSACHUSETTS BLACK LEGISLATIVE CAUCUS MEMBERS
THE COMMONWEALTH OF MASSACHUSETTS GREAT AND GENERAL COURT

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Executive Director
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Boston, MA 02133
Legislative Aide: JUDY F. CARSON
Secretary: LOLA JOHNSON

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Federal Financial Assistance
Housing & Urban Development

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Cambridge, MA 02139

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Banks and Banking

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Election Laws

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Committee: Education, Human Services and Elderly Affairs

(h) 15 Hazelton Street
Mattapan, MA 02126

Legislative Aide: SHELLY STARK

July 1987

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1986

LEGISLATION FILED BY THE MEMBERS OF
THE MASSACHUSETTS BLACK LEGISLATIVE CAUCUS
SIGNED INTO LAW

PETITION BY: SENATOR ROYAL BOLLING, SR.

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REPRESENTATIVE SAUNDRA GRAHAM	H. 6425	AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF TYRONE ROBINSON AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS	DECEMBER 16, 1986	603

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REPRESENTATIVE GLORIA FOX AND REPRESENTATIVE BYRON RUSHING	H. 6538	AN ACT ESTABLISHING A PROGRAM TO ASSIST CERTAIN SMALL BUSINESSES IN AREAS AFFECTED BY TRANSPORTATION ENHANCEMENT ACTIVITIES OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	DECEMBER 9, 1986	585

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OF THE
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H. 6369	BOSTON CITY HOSPITAL	LEGISLATION TO PROVIDE THAT THE CITY OF BOSTON BE AUTHORIZED TO BORROW MONEY FOR THE RENOVATION AND REPLACE-MENT OF MAJOR PORTIONS OF BOSTON CITY HOSPITAL	DECEMBER 29, 1987	659
H. 6060	REGULATING THE BORROWING OF MONEY IN BOSTON	LEGISLATION TO AUTHORIZE THE CITY OF BOSTON TO ESTABLISH A SEGREGATED RESERVE FUND	JANUARY 7, 1987	701

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OF THE
1986 MBLC PRIORITY LEGISLATION
SIGNED INTO LAW

TAX ASSESSMENT PRACTICES

S. 1496 PETITION

Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and Gearge Bachrach for legislation relative to assessing practices.

01/01/86	S.	Referred to the committee on TAXATION
01/01/86	H.	House concurred
	P.	Hearing date Mar 4 am
04/30/86	H.	Reported by committee
05/08/86	H.	Accompanied H2351

H. 2351 Of John H. Flood and other members of the General Court for legislation to improve tax assessing practices.

01/02/86	H.	Referred to the committee on TAXATION
01/02/86	S.	Senate concurred
	P.	Hearing date Mar 4 am
04/30/86	H.	Reported by committee
05/08/86	H.	Accompanied by S1496, H838, H1024, H1595, H1600, H1743, H3119 and H4037
05/08/86	H.	Bill reported favorably by committee as changed and placed in the Orders of the Day for the next session -HJ 698
05/12/86	H.	Read second and ordered to a third reading -HJ 722
06/30/86	H.	Read third (title changed)
06/30/86	H.	Bills in the Third Reading amendment adopted
06/30/86	H.	Passed to be engrossed -HJ 1194
07/01/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 963
07/03/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 1002
07/08/86	S.	Read second and ordered to a third reading -SJ 1030
07/09/86	S.	Read third, amended and passed to be engrossed -SJs 1054-1055
08/21/86	H.	Rules suspended
08/21/86	H.	House concurred in the Senate amendments -HJ 1389
08/25/86	H.	Enacted -HJ 1393
08/28/86	S.	Enacted and laid before the Governor -SJ 1182
09/09/86	G.	Signed by the Governor, Chapter 385 Acts

H 2351

Chapter 385

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT FURTHER REGULATING TAX ASSESSMENT PRACTICES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 24B of chapter 36 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:-

Said register or said assistant recorder shall require from each person who appears before him to record a deed to real property, such information as is determined by the commissioner of revenue to be necessary for the purpose of executing the duties required by section ten of chapter fifty-eight. The information shall be collected on a form approved by the commissioner. A copy of each completed form shall be forwarded to the commissioner of revenue and to the board of assessors in the city or town where the property lies.

SECTION 2. Section 7 of chapter 58A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

In the case of an appeal relating to the property classified as residential greater than eight units, commercial or industrial, that are assessed for more than two hundred thousand dollars in the previous fiscal year upon a motion filed by the appellee and granted by the appellate tax board, the appellant shall file with the said board an audited income and expense statement for the most recent year within forty days from the date of taking the appeal.

SECTION 3. Section 8A of said chapter 58A, as so appearing, is hereby amended by adding the following sentence:- At least thirty days prior to the hearing of a petition for the abatement of a tax, upon a motion filed by either party and granted by the appellate tax board, the appellant and appellee shall exchange appraisal reports containing such information about the property as the appellate tax board adjudges necessary.

SECTION 4. Section 38D of chapter 59 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

If an owner or lessee of real property fails to submit such information within the time and in the form prescribed, in addition to any other penalties, there shall be added to the real property tax levied upon the property in question for the next ensuing tax year the amount of fifty dollars; provided, however, that the board of assessors informed said owner or lessee that failure to so submit such information would result in said penalty.

SECTION 5. Said chapter 59 is hereby further amended by inserting after section 38E, as so appearing, the following two sections:-

Section 38F. A board of assessors may request the owner or lessee of any personal property to make a written return under oath within sixty days containing such information as may reasonably be required by it to determine the actual fair cash valuation of such property.

Failure of an owner or lessee of personal property to comply with such request within sixty days after it has been made shall bar him from any statutory appeal under this chapter, unless such owner or lessee was unable to comply with such request for reasons beyond his control. If any owner or lessee of personal property in a return made under this section makes any statement which he knows to be false in a material particular, such false statement shall bar him from any statutory appeal under this chapter.

Section 38G. A board of assessors may require testimony under oath of a taxpayer relative to his written return filed under section thirty-eight F and may also require testimony under oath of any applicant for abatement under section fifty-nine.

SECTION 6. Said chapter 59, as so appearing, is hereby further amended by inserting after section 52A the following two sections:-

Section 52B. All information collected pursuant to sections thirty-eight D, thirty-eight E and sixty-one A of chapter fifty-nine and section eight A of chapter fifty-eight A shall be open to the inspection of the assessors, the commissioner, the deputies, clerks and assistants of either the assessors or the commissioner and such other officials of the commonwealth or of its political subdivisions who have occasion to inspect such information in the performance of their official duties, but to no other person except by order of the appellate tax board or a court, except that if the assessor bases a valuation of an assessed owner's real or personal property, in whole or in part, on a comparable sale, or sales, the assessor shall provide any market data relating to such comparable sale or sales to the assessed owner of the property or his designated representative upon request.

Section 52C. The provisions of section ten of chapter sixty-six shall not be deemed to authorize public access to terminals or other data processing equipment for the purpose of copying, reading, collecting, printing, analyzing or manipulating any data or other information collected under any provision of this chapter and stored in data processing or computing equipment or to authorize the release of the original or copies of tapes, cards, disc files or other methods of electronic storage of such data or information, unless authorized by the commissioner of revenue.

Nothing contained in this section shall restrict the right of a person assessed or his designated representative to inspect at the assessor's office information and records relating to the valuation and assessment of his property or to receive copies of this information.

SECTION 7. Section one of this act shall take effect on January first, nineteen hundred and eighty-seven.

House of Representatives, August 25, 1986.

Passed to be enacted, James C. Rurak Acting Speaker.

In Senate, August 28, 1986.

Passed to be enacted, William M. Bulger, President.

September 9, 1986.

Approved,

Michael S. Dukakis Governor.

H 2351

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

MICHAEL S DUKAKIS
GOVERNOR

September 9, 1986

The Honorable Michael Joseph Connolly
Secretary of the Commonwealth
State House, Room 340
Boston, MA 02133

Dear Secretary Connolly:

I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments of the Constitution, the Referendum II, Emergency Measures, hereby declare, in my opinion, the immediate preservation of the public peace, health, safety or convenience requires that the attached Act, Chapter of the Acts of 1986, entitled "An Act Further Regulating Tax Assessment Practices", the enactment of which received my approval on September 9, 1986, should take effect forthwith.

I further declare that in my opinion said law and the facts constituting the emergency are as follows:

It is in the public interest that this Act take effect immediately in order to promote the public interest in the efficient collection of municipal revenues.

Sincerely,

Michael S. Dukakis
Governor

OFFICE OF THE SECRETARY, Boston, September 9, 1986.

I, Michael Joseph Connolly, Secretary of State, hereby certify that the accompanying statement was filed in this Office by His Excellency the Governor of the Commonwealth of Massachussetts at twelve o'clock and four minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said Chapter takes effect forthwith, being chapter three hundred and eighty-five of the Acts of nineteen hundred and eighty-six.

MICHAEL JOSEPH CONNOLLY,
Secretary of State.

CONSUMER PROTECTION

S. 102 PETITION

Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation relative to certian business practices.

01/01/86	S.	Referred to the committee on COMMERCE AND LABOR
01/01/86	H.	House concurred
	P.	Hearing date Apr 2 am
04/30/86	S.	Reported by committee
05/12/86	S.	Accompanied a new draft, see S1903

S. 1930 Bill further regulating business practices for consumer's protection.

05/12/86	S.	Reported from the committee on COMMERCE AND LABOR
05/12/86	S.	New draft of S102 and H2957
05/12/86	S.	Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 465
06/19/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 873
06/23/86	S.	Read second, amended, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJs 899-900
06/26/86	H.	Read; and placed in the Orders of the Day for the next session -HJ 1182
06/30/86	H.	Read second and ordered to a third reading -HJ 1195
07/10/86	H.	Read third
07/10/86	H.	Amendment adopted
07/10/86	H.	Passed to be engrossed -HJ 1316
07/11/86	S.	Rules suspended
07/11/86	S.	Senate concurred in the House amendment -SJ 1127
07/15/86	H.	Emergency preamble adopted -HJ 1347
07/15/87	S.	Emergency preamble adopted -SJ 1138
07/17/86	H.	Enacted -HJ 1352
07/17/86	S.	Enacted and laid before the Governor -SJ 1144
07/28/86	G.	Signed by the Governor, Chapter 363 Acts

S 1903

Chapter 363

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT FURTHER REGULATING BUSINESS PRACTICES FOR CONSUMERS' PROTECTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate business practices for consumer's protection, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The first paragraph of section 11 of chapter 93A of the General Laws is hereby amended by striking out the words "; provided, however, that both persons shall have a place of business within the commonwealth at the time of said loss", inserted by section 1 of chapter 278 of the acts of 1985.

SECTION 2. The second paragraph of said section 11 of said chapter 93A is hereby amended by striking out the words "; provided, however, that such injunction shall not be obtained unless both parties have a place of business in the commonwealth at the time the unfair method of competition, act or practice is employed", inserted by section 2 of said chapter 278, and inserting in place thereof the word:- property.

SECTION 3. The seventh paragraph of said section 11 of said chapter 93A, as appearing in the 1984 Official Edition, is hereby amended by striking out the first sentence.

SECTION 4. Said section 11 of said chapter 93A is hereby further amended by striking out the last paragraph, added by section 3 of chapter 278 of the acts of 1985, and inserting in place thereof the following paragraph:-

No action shall be brought or maintained under this section unless the actions and transactions constituting the alleged unfair method of competition or the unfair or deceptive act or practice occurred primarily and substantially within the commonwealth. For the purposes of this paragraph, the burden of proof shall be upon the person claiming that such transactions and actions did not occur primarily and substantially within the commonwealth.

SECTION 5. This act shall apply to all actions brought or maintained on or after December seventeenth, nineteen hundred and eighty-five.

S 1903

House of Representatives, July 15, 1986.

Preamble adopted, George Lennon, Speaker.

In Senate, July 15, 1986.

Preamble adopted, William J. Bulger, Acting President.

House of Representatives, July 17, 1986.

Bill passed to be enacted, Kevin P. Blanchette, Acting Speaker.

In Senate, July 17, 1986.

Bill passed to be enacted, Walter J. Boverini, Acting President.

July 28, 1986.

Approved,

at Ten o'clock and 30 minutes, A. M.

Governor.

COURT INTERPRETER

S. 825 PETITION

Of Royal L. Bolling, Sr., Kevin W. Fitzgerald, Gerard D'Amico, Frederick E. Berry and other members of the General Court for legislation to provide a court interpreter system in Essex County for non-English speaking persons.

01/01/86	S.	Referred to the committee on THE JUDICIARY
01/01/86	H.	House concurred
	P.	Hearing date Apr 2 pm
05/05/86	S.	Reporting date extended to Wedmesday, May 21, pending concurrence -SJ 387
05/06/86	H.	House concurred -HJ 623
05/22/86	S.	Accompanied a new draft, see S1949 -SJs 593-594

S. 1949 Bill to provide a court interpreter system in the Trial Court and a pilot project for same in Essex County for non-English speaking persons.

05/22/86	S.	Reported from the committee on THE JUDICIARY
05/22/86	S.	New draft of S825, H2641 and H3572
05/22/86	S.	Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJs 593-594
06/10/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 804
06/16/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 849
06/18/86	S.	Read second and ordered to a third reading -SJ 858
06/30/86	S.	Read third and passed to be engrossed -SJ 943
07/01/86	H.	Read; and referred to the committee on HOUSE WAYS AND MEANS -HJ 1208
12/03/86	H.	Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJ 1792
12/04/86	H.	Read second and ordered to a third reading
12/04/86	H.	Rules suspended
12/04/86	H.	Read third and passed to be engrossed -HJ 1815
12/09/86	H.	Enacted -HJ 1846
12/11/86	S.	Enacted and laid before the Governor -SJ 1640
12/23/86	G.	Signed by the Governor, Chapter 627 Acts

S 1949

Chapter 627

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT TO PROVIDE A COURT INTERPRETER SYSTEM IN THE TRIAL COURT AND A PILOT PROJECT FOR SAME IN ESSEX COUNTY FOR NON-ENGLISH SPEAKING PERSONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The purposes of this act are (1) to provide the broadest possible protection for the rights of non-English speaking persons to understand and to be understood when engaged as parties or witnesses in legal proceedings in the trial court departments and (2) to institute a pilot project for initially effectuating the foregoing in Essex county, so as to ascertain and resolve problems, calculate and project costs and otherwise make more likely an efficient operation when the system is instituted statewide. This act shall be liberally interpreted to effectuate these purposes. The provisions of this act shall not be construed to limit the inherent power of a judge to appoint an interpreter in any other proceeding.

SECTION 2. The General Laws are hereby amended by inserting after chapter 221B, inserted by section 21 of chapter 310 of the acts of 1986, the following chapter:-

CHAPTER 221C.

COURT INTERPRETERS FOR THE TRIAL COURT.

Section 1. For the purpose of this chapter, the following words shall have the following meanings:

"Certified interpreter", an interpreter who has been duly trained and certified under the direction of the coordinator of interpreter services pursuant to subsection (e) of section seven.

"Interpreter", a person who is readily able to interpret written and spoken language simultaneously and consecutively from English to the language of the non-English speaker or from said language to English.

"Judge", a judge or justice, or a clerk-magistrate when acting in a magisterial capacity, of a trial court department.

"Non-English speaker", a person who cannot speak or understand, or has

difficulty in speaking or understanding, the English language, because he uses only or primarily a spoken language other than English.

"Qualified interpreter", a certified interpreter who has also passed the examination and been qualified for interpreting in the federal courts by the United States district court for the district of Massachusetts.

Section 2. A non-English speaker, throughout a legal proceeding, shall have a right to the assistance of a qualified interpreter who shall be appointed by the judge, unless the judge finds that no qualified interpreter of the non-English speaker's language is reasonably available, in which event the non-English speaker shall have the right to a certified interpreter, who shall be appointed by the judge. The court shall report to the coordinator of interpreter services every instance in which a qualified interpreter was found not to be reasonably available.

Section 3. (a) A waiver of the right to an interpreter by a non-English speaker shall be effective only when approved by a judge after said non-English speaker has consulted with counsel and had explained to him, through an interpreter, in open court by the judge the nature and effect of such waiver. The judge may approve a waiver only upon finding that it is knowingly and voluntarily made. If such waiver is approved, the judge shall ensure that a recitation of the procedure followed pursuant to this subsection is made part of the record.

(b) The failure of a non-English speaker to request an interpreter shall not be deemed a waiver of such right, and a non-English speaker may retract any waiver of his right to an interpreter at any stage of the proceeding and indicate his desire to be assisted by an interpreter.

Section 4. (a) Before beginning to interpret in any proceeding an interpreter shall swear or affirm that he will make true and impartial interpretation using his best skill and judgment in accordance with the standards prescribed by law and the ethics of the interpreter profession.

(b) In any proceeding, the judge may order all of the testimony of a non-English speaker and its interpretation to be electronically recorded for use in audio or visual verification of the official transcript of the proceedings.

(c) Disclosures made out of court by communications of a non-English speaker through an interpreter to another person shall be a privileged communication and said interpreter shall not disclose such communication without permission of said non-English speaker; provided, however, that such non-

English speaker had a reasonable expectation or intent that such communication would not be so disclosed.

Section 5. Any of the following actions shall be good cause for a judge to remove an interpreter:

(a) knowingly and willfully making false interpretation while serving in an official capacity;

(b) knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;

(c) failing to follow the standards prescribed by law and the ethics of the interpreter profession; or

(d) being unable to interpret adequately, including where the interpreter self-reports such inability.

Section 6. Interpreters appointed pursuant to this chapter shall be reimbursed for actual expenses and compensated for their services. Adequate compensation for services shall be determined by a schedule of fees adopted by the committee pursuant to subsection (d) of section seven.

Section 7. (a) There shall be a committee for the administration of interpreters for the trial court, which committee shall consist of the chief administrative justice of the trial court, who shall be the chairman of said committee, the administrative justice of the district court department and one other justice and one clerk-magistrate of said department appointed by said administrative justice, a justice and a clerk or an assistant clerk of the superior court department appointed by the administrative justice of said department, a judge of the probate and family court department appointed by the administrative judge of said department and one other justice, judge or clerk-magistrate appointed by the chief administrative justice of the trial court.

(b) Following the standards and procedures established by the chief administrative justice of the trial court, the committee shall advertise, screen applications, interview, select and appoint the coordinator of court interpreter services, who shall serve at the pleasure of said committee.

(c) There shall be within the office of the chief administrative justice a coordinator of court interpreter services for the trial court and such other professional and clerical personnel as may be necessary in the judgment of said coordinator and the committee.

(d) The coordinator or the committee shall propose standards and procedures for the training, professional conduct, certification, qualification and

adequate compensation of certified and qualified interpreters. Notice of hearing on any such proposed standards or procedures shall be published in the Massachusetts Register as if they were administrative regulations to be adopted pursuant to section two of chapter thirty A; and the proposed standards or procedures shall be reproduced and distributed to organizations representing the interests of foreign language users, with notice of the public hearing date, which shall occur no sooner than sixty days thereafter. After due consideration of public comment at the public hearing or otherwise, the committee shall adopt final standards and procedures and cause the same to be published in the Massachusetts Register.

(e) The coordinator of court interpreter services shall administer the interpreter program in the trial court to insure that the purposes of this chapter are carried out. Without limiting the generality of the foregoing the coordinator shall specifically:

(1) establish and conduct a training program for interpreters in which they shall be trained and examined on language proficiency, proper conduct in court, professional ethics and other matters deemed appropriate and after successfully completing the course shall be duly certified;

(2) compile and maintain lists of persons who have been certified and qualified and periodically communicate this information to the several departments and divisions of the trial court;

(3) after due notice and hearing, remove anyone from such a list for inadequate performance or other good cause as provided in section five;

(4) facilitate the prompt payment of interpreters for services rendered; and

(5) gather statistics, conduct studies and make reports of the results thereof and of the administration of the program generally.

SECTION 3. Nothing in this act shall limit any rights, privileges, entitlements, powers or immunities of a speech or hearing impaired person pursuant to section ninety-two A of chapter two hundred and twenty-one of the General Laws.

SECTION 4. (a) Section three of this act and subsections (a), (b) and (c) of section seven of chapter two hundred and twenty-one A, inserted by section two of this act, shall take effect on March second, nineteen hundred and eighty-seven.

(b) With respect to the trial court departments in Essex county:

(1) subsections (d) and (e) of said section seven of said chapter two hundred and twenty-one A shall take effect on July first, nineteen hundred and eighty-seven, and

(2) the remainder of this act shall take effect on October first, nineteen hundred and eighty-seven.

(c) With respect to the trial court departments in counties other than Essex, subsection (d) and (e) of said section seven and the remainder of this act shall take effect when certified as appropriate by the chief administrative justice of the trial court in a report to the general court.

House of Representatives, December 9, 1986.

Passed to be enacted, George Keverian, Speaker.

In Senate, December 11, 1986.

Passed to be enacted, William M. Bulger, President.

December 23, 1986.

Approved,

Governor.

JAIL, HOUSES OF CORRECTION, AND CORRECTIONAL INSTITUTIONS

S. 152 PETITION

Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to authorize assumption by the Commonwealth, at county option, of the operation and maintenance costs of jails and houses of correction.

01/01/86	S.	Referred to the committee on COUNTIES
01/01/86	H.	House concurred
	P.	Hearing date Mar 11 am
04/30/86	H.	Reported by committee
05/07/86	H.	Discharged to the committee on HOUSE COUNTIES - HJ 660
05/12/86	S.	Senate concurred -SJ 473
06/23/86	H.	Reported by committee
06/23/86	H.	Accompanied a new draft, see H6037

H. 6037 Bill providing for the orderly administration of county government.

06/23/86	H.	Reported from the committee on HOUSE COUNTIES
06/23/86	H.	New draft of H1631
06/23/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1119
10/09/86	H.	Reported (in part) by a new draft, see H6391 -HJ 1570

H. 6391 Bill providing for the orderly administration and improvement of jails, houses of correction, and correctional institutions in the Commonwealth.

10/09/86	H.	Reported from the committee on HOUSE WAYS AND MEANS
10/09/86	H.	New draft of S2053, H4458, H6070, a part of H1 and a part of H6037
10/09/86	H.	Bill reported favorably by committee and placed in the Orders of the Day for the next session -HJs 1570-1571
10/14/86	H.	Read second
10/14/86	H.	Amendment pending
10/14/86	H.	Quorum roll call - 98 members in attendance [See Yea and Nay in Supplement, No. 450]
10/14/86	H.	Pending amendment rejected - YEAS 48, NAYS 95 [See Yea and Nay in Supplement, No. 451]
10/14/86	H.	Amendment rejected - YEAS 38, NAYS 97 [See Yea and Nay in Supplement, No. 452]
10/14/86	H.	Ordered to a third reading -HJ 1586
10/21/86	H.	Read third
10/21/86	H.	Amendments rejected - YEAS 28, NAYS 105 [See Yea and Nay in Supplement, No. 463]
10/21/86	H.	Amendment rejected - YEAS 67, NAYS 71 [See Yea and Nay in Supplement, No. 464]
10/21/86	H.	Motion to reconsider prevailed - YEAS 70, NAYS 65 [See Yea and Nay in Supplement, No. 465]

JAIL, HOUSES OF CORRECTION, AND CORRECTIONAL INSTITUTIONS

10/21/86	H.	Recurring amendment adopted
10/21/86	H.	Amendment adopted
10/21/86	H.	Amendment adopted
10/21/86	H.	Amendment adopted
10/21/86	H.	Amendment rejected - YEAS 56, NAYS 80 [See Yea and Nay in Supplement, No. 466]
10/21/86	H.	Amendment adopted
10/21/86	H.	Amendment rejected - YEAS 35, NAYS 102 [See Yea and Nay in Supplement, No. 467]
10/21/86	H.	Amendment adopted
10/21/86	H.	Amendment adopted
10/21/86	H.	Amendment adopted
10/21/86	H.	Passed to be engrossed -HJ 1618
10/22/86	S.	Read; and referred to the committee on SENATE COUNTIES -SJ 1383
10/27/86	S.	Discharged to the committee on SENATE WAYS AND MEANS -SJ 1423
11/20/86	S.	Committee recommended ought to pass with an amendment, inserting in place thereof the text of S2181; and striking out the title and inserting in place thereof a new title
11/20/86	S.	Referred to the committee on SENATE STEERING AND POLICY
11/20/86	S.	Committee reported that the matter be placed in the Orders of the Day for Monday, November 24, with the recommended Ways and Means new text (S2181) pending, under the provisions of Senate Rule 27A -SJ 1469
11/24/86	S.	Read second
11/24/86	S.	Amendment to the recommended Ways and Means newtext (S2181) pending and laid over until the next session -SJs 1493-1498
12/01/86	S.	Pending amendment to the recommended Ways and Means new text (S2181) adopted
12/01/86	S.	Amendment to the pending Ways and Means new text (S2181) adopted
12/01/86	S.	Amendment to the pending Ways and Means new text (S2181) adopted
12/01/86	S.	Amendment to the pending Ways and Means new text (S2181) adopted
12/01/86	S.	Amendment to the pending Ways and Means new text (S2181) adopted
12/01/86	S.	Amendment to the pending Ways and Means new text (S2181) adopted
12/01/86	S.	Amendment to the pending Ways and Means new text (S2181) adopted
12/01/86	S.	Amendment to the pending Ways and Means new text (S2181) adopted
12/01/86	S.	Amendment by striking out all after the enacting clause and inserting in place thereof the text of S2181, as amended
12/01/86	S.	Title changed
12/01/86	S.	Text of the Senate amendment, printed as amended, see Senate, No. 2199

JAIL, HOUSES OF CORRECTION, AND CORRECTIONAL INSTITUTIONS

12/01/86	S.	Ordered to a third reading
12/01/86	S.	Rules suspended
12/01/86	S.	Read third
12/01/86	S.	Passed to be engrossed - YEAS 31, NAYS 0 -SJs 1526-1534
12/04/86	H.	Rules suspended
12/04/86	H.	House NON-concurred in the Senate emendments
12/04/86	H.	Committee of conference appointed -HJ 1803
12/04/86	S.	Notice of House appointments received
12/04/86	S.	Senate insisted on its amendments
12/04/86	S.	Committee of conference appointed -SJs 1601-1602
12/09/86	H.	Notice of Senate oppointments received -HJ 1844
12/16/86	H.	Reported (in part) by committee of conference
12/16/86	H.	For report, see H6567
12/16/86	H.	Rules suspended - YEAS 106, NAYS 34 [see Yea an Nay in Supplement, No. 554]
12/16/86	H.	Committee of conference report accepted - YEAS 90, NAYS 36 [See Yea and Nay in Supplement, No. 555]
12/16/86	H.	Motion to reconsider negatived -HJ 1869
12/16/86	S.	Rules suspended
12/16/86	S.	Committee of conference report accepted -SJ 1665
12/16/86	H.	Emergency preamble adopted -HJ 1875
12/16/86	S.	Emergency preamble adopted -SJ 1668
12/16/86	H.	Enacted - YEAS 115, NAYS 7 [See Yea and Nay in Supplement, No. 559] -HJ 1875
12/16/86	S.	Enacted - YEAS 22, NAYS 2
12/16/86	S.	Laid before the Governor -SJs 1668-1669
12/29/86	G.	Signed by the Governor, Chapter 658 Acts

H 6391

Chapter 658.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT IMPROVING JAILS, HOUSES OF CORRECTION, AND CORRECTIONAL INSTITUTIONS IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the immediate takeover by the commonwealth from the counties of the maintenance and operation of jails and houses of correction in the several counties of the commonwealth, and to provide for immediate relief to the counties and cities and towns by relieving them of the said costs, and to integrate and coordinate said facilities into a statewide modern correctional system, and to relieve the serious overcrowding problems in the correctional institutions of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The division of capital planning and operations is hereby authorized to expend fifty-eight million dollars for studies, the preparation of plans, the acquisition of land by purchase, gift, land exchange, eminent domain, lease or otherwise, and the construction, including furnishings and equipment, of a new facility in Suffolk county to replace the Suffolk county house of correction presently at Deer Island; provided, however, that such new facility shall have a capacity not to exceed five hundred seventy beds; provided, further, that no funds appropriated herein shall be expended for the purposes of replacing said Deer Island house of correction until such time as the city of Boston shall convey for consideration of one dollar to the division of capital planning and operations on behalf of the commonwealth, in deed approved as to form by the attorney general, the title to the land and buildings at the site of the Deer Island house of correction; provided, further, that the city of Boston is hereby authorized to convey such title to such land as provided herein; provided, further, that except for any portion of said land which may be needed for the construction of new wastewater treatment fa-

cilities at Deer Island, said land at said site shall be preserved as open space to mitigate the impact of the construction of said wastewater facilities; provided further, that said division is hereby authorized to acquire such land only at the site described in section two; provided, further, that the city of Boston shall convey to the commonwealth for consideration of one dollar title to property owned by said city within said site in accordance with said section two; provided further, that control and possession of said Deer Island house of correction shall remain with the city of Boston until such time as said replacement facility is constructed and until all occupants of the present facility have been removed; provided further, that the employment status of the current employees of the Deer Island house of correction shall be in no way impaired or altered by the provisions of this act; provided, further, that said replacement facility shall include housing for female prisoners sufficient to meet the needs of the region; and provided, further, that said facility shall include housing units at all security levels.

SECTION 2. The replacement facility for the Suffolk county house of correction presently at Deer Island shall be constructed within the boundaries of the following site, the site being the parcel of land circumscribed as follows: beginning at the westerly boundary of the city of Boston property on Southampton Street and proceeding clockwise along Southampton Street to the intersection of Southampton Street and Bradston Street, then proceeding along Bradston Street to the intersection of Bradston Street and South Bay Avenue, then proceeding along South Bay Avenue to the intersection of South Bay Avenue and Atkinson Street, then proceeding along Atkinson Street to the most northerly boundary of the most northerly city of Boston traffic and parking building, then westerly and southerly along the city of Boston property line to the point of beginning.

The city of Boston is hereby authorized to transfer to the commonwealth of Massachusetts, through its division of capital planning and operations, title to the property owned by said city located within said parcel at the corner of South Bay Avenue and Atkinson Street, comprised of approximately forty-eight thousand three hundred and fifteen square feet, more or less, the precise configuration of which shall be determined by a survey prior to transfer, to be used by the commonwealth for the purposes described in this act. The deputy commissioner of the division of capital planning and operations shall determine the location of the replacement facility within said parcel and shall on-

ly acquire the land he determines necessary and appropriate for the construction and operation of the facility.

SECTION 3. The division of capital planning and operations is hereby authorized to expend an additional fourteen million, seven hundred fifty thousand dollars for studies, preparation of plans, the acquisition of land, the construction, including furnishings and equipment, of a new facility in Suffolk county to replace the Charles street jail, such amount to be in addition to and subject to the same conditions as the amount authorized pursuant to section five of chapter seven hundred ninety-nine of the acts of nineteen hundred and eighty-five.

Said division, in addition to the provisions of section two of chapter three hundred ninety-six of the acts of nineteen hundred and eighty-six, is hereby authorized to acquire by eminent domain any easements or interests of record currently owned by the Boston and Maine railroad in the Nashua street area of the city of Boston, and other land, right-of-ways or easements necessary to relocate or replace the utility lines displaced by construction of the replacement facility for the Charles street jail.

SECTION 4. The secretary of the executive office of human services is hereby authorized to expend a maximum of no more than fifty-one million dollars for the purpose of a grant program to assist Hampden county in undertaking feasibility studies, acquiring land, providing technical assistance or expertise, making preliminary plans, and designing, or constructing a house of correction not to exceed five hundred beds; provided, however, that the design and planning for said house of correction shall include provisions to house female inmates sufficient to meet the needs of the region; and provided, further, that said facility shall include housing units at all security levels.

SECTION 5. The division of capital planning and operations is hereby authorized to expend seventy-two million dollars for studies, the preparation of plans, the acquisition of land by purchase, gift, land exchange, eminent domain, lease or otherwise, and for the construction, including furnishings and equipment, of two medium security correctional facilities each of a capacity not to exceed five hundred beds; provided, however, that no funds shall be expended for the acquisition of such land until the deputy commissioner of said division completes a study, as defined in section thirty-nine A of chapter seven of the General Laws, evaluating the feasibility of locating a medium security correctional facility on such land.

SECTION 6. In addition to the amount authorized by section six of chapter seven hundred ninety-nine of the acts of nineteen hundred eighty-five, the division of capital planning and operations is hereby authorized to expend ten million, five hundred fifty thousand dollars for studies, the preparation of plans, and the renovation, upgrading and expansion of existing state correctional facilities, including the costs of furnishings and equipment; provided, however, that no more than four million dollars of this additional amount shall be expended on maximum security facilities.

SECTION 7. Said commissioner of the department of corrections is hereby authorized to expend for a study and the preparation of plans, if necessary, and for the demolition and alterations of certain buildings and the construction of certain buildings at Massachusetts Correctional Institution, Framingham, including renovations to the water distribution system and the cost of furnishings and equipment, an amount not to exceed one million, three hundred thousand dollars in addition to the amounts appropriated in item 4315-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three.

Said commissioner is hereby further authorized to expend for the design and construction, including furnishings and equipment, for a program building for a new turbine generator and for a feasibility study to expand the wastewater treatment plant at Massachusetts Correctional Institution, Concord, an amount not to exceed five million four hundred thousand dollars.

SECTION 8. The amounts appropriated by this act shall be in addition to previous appropriations made for the development of correctional facilities, including amounts made available pursuant to chapter three hundred and forty-seven of the acts of nineteen hundred and eighty-two, chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three and chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five.

SECTION 9. The deputy commissioner of capital planning and operations shall establish a special unit to be assigned to expedite the planning, design, and construction of the projects authorized by sections one and three through seven, inclusive. A similar special unit shall also be established by the commissioner of correction. Said deputy commissioner or the commissioner of correction may, in accordance with a schedule annually approved by the commissioner of administration, temporarily hire additional employees or consultants and assign any employee of the division of capital planning and opera-

tions or the department of corrections, respectively to said special unit; provided, however, that the salaries and administrative expenses for both of the special units shall be paid from funds authorized by this act as a part of the cost of the development and construction of said projects; and provided, further, that thirty days prior to the hiring or transfer of said additional employees, said deputy commissioner or the commissioner of corrections shall notify the house and senate committees on ways and means.

In addition, within ninety days of the effective date of this section, said deputy commissioner shall develop and publish a detailed schedule designed to meet an October, nineteen hundred and eighty-nine deadline for the decommissioning of the Suffolk county house of correction at Deer Island.

SECTION 10. For the purpose of alleviating overcrowded conditions in jails, houses of correction and correctional facilities in as little time as possible while maintaining economy of construction, the deputy commissioner of capital planning and operations, with respect to the projects authorized by sections one and three to seven, inclusive, may after consultation with the director of the office of project management, the commissioner of correction, the secretary, and such other persons as said deputy commissioner deems appropriate, recommend to the general court, in accordance with the provisions of this section, alternative methods for procurement of design and construction services, including, but not limited to, construction management, fast-tracked or phased construction, turnkey procurement, design and build procurement, lease-purchase of facilities, the utilization of modular buildings, and the utilization of inmate work crews.

In making a recommendation to the general court, said deputy commissioner shall, as to each project for which an alternative method is recommended, set forth in full the procedures by which design and construction services for that project would be procured; provided, however, that a study shall be completed pursuant to section seven K of chapter twenty-nine of the General Laws prior to contracting for any services for the design or construction of such project; and provided, further, that such recommended procedures shall provide for an open competition for design and construction publicly advertised pursuant to paragraph one of section forty-four J of chapter one hundred and forty-nine of the General Laws. Said deputy commissioner shall file with his recommendation a report to the general court specifying his reasons for determining that such recommended alternative method is necessary and feasible and setting

forth a comparison of costs, time schedules, and quality of construction between the recommended alternative and the procurement procedures that will apply if the alternative method is not approved.

Said deputy commissioner shall file his recommendation and report with the inspector general at least fifteen days before said deputy commissioner files said recommendation and report with the general court. The inspector general shall review the recommendation and report with respect to the prevention of fraud, waste and abuse and shall make such comments as said inspector general deems warranted. At the request of said inspector general, said deputy commissioner shall annex the comments of said inspector general to the report of said deputy commissioner to the general court.

Said deputy commissioner shall file his recommendation and report, together with the comments, if any, of the inspector general with the clerks of the senate and the house of representatives, the senate and house committees on ways and means, the joint committee on human services and elderly affairs, and the joint committee on state administration.

SECTION 11. To meet the expenditures necessary to carrying out the provisions of sections five to seven, inclusive, the state treasurer, upon request of the governor, shall issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, not exceeding in the aggregate, the sum of eighty-nine million two hundred fifty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Correction Loan Act of 1986, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and sixteen. Notwithstanding any other provision of this act, bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 12. To meet the expenditures necessary to carrying out the provisions of sections one, three, and four the state treasurer, upon request of the governor, shall issue and sell bonds of the commonwealth, in an amount to be specified by the governor from time to time, not exceeding in the aggregate, the sum of one hundred twenty-three million, seven hundred fifty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be

designated on their face, County Correction Loan Act of 1986, and shall be issued for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and sixteen. Notwithstanding any other provision of this act, bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.

SECTION 13. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments as authorized by this act, and may issue and renew from time to time notes of the commonwealth thereof, bearing interest payable at such time and at such rate as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding one year, as the governor may recommend to the General Court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-six. Notwithstanding any other provisions of this act, notes and the interest thereon issued under the authority of this act, shall be general obligations of the commonwealth.

SECTION 14. This act shall take effect upon its passage.

House of Representatives, December 16, 1986.

Preamble adopted, George Fiumiaw, Speaker.

In Senate, December 16, 1986.

Preamble adopted, William M. Bulger, President.

H 6391

House of Representatives, December 16, 1986.

Bill passed to be enacted, George Lunnan, Speaker.

In Senate, December 16, 1986.

Bill passed to be enacted, William M. Bulger, President.

December 29, 1986.

Approved,

at Ten o'clock and 45 minutes, A. M.

Richard Hodes, Governor.

STATE OWNED PROPERTY IN SALEM

S. 1653 PETITION

Of Michael Lopresti, Jr., Saundra Graham and Charles F. Flaherty (with the approval of the city council) for legislation to authorize the city of Cambridge to grant a certain annuity to Carmella L. Fico.

02/06/86	S.	Referred to the committee on PUBLIC SERVICE -SJ 33
02/10/86	H.	House concurred -HJ 39
	P.	Hearing date Apr 8 am
05/08/86	H.	Reporting date extended to Mon., May 19, pending concurrence -HJ 688
05/12/86	S.	Senate concurred -SJ 481
05/12/86	S.	Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 517
05/22/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session
05/22/86	S.	Rules suspended
05/22/86	S.	Read second, ordered to a third reading, read third and passed to be engrossed -SJ 605
05/27/86	H.	Read; and placed in the Orders of the Day for the next session -HJ 898
05/28/86	H.	Read second and ordered to a third reading -HJ 926
06/05/86	H.	Read third and passed to be engrossed -HJ 1015
06/09/86	H.	Enacted -HJ 1028
06/09/86	S.	Enacted and laid before the Governor -SJ 802
06/19/86	G.	Signed by the Governor, Chapter 108 Acts

H 5402

Chapter 108.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-seven

AN ACT PROVIDING FOR DISPOSITION OF CERTAIN STATE-OWNED PROPERTY IN SALEM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the redevelopment of underutilized state-owned property for the public benefit, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The deputy commissioner of the division of capital planning and operations, hereinafter called "the deputy commissioner", is hereby authorized, pursuant to the provisions of sections forty E through forty J of chapter seven of the General Laws to convey all or partial interests in a certain parcel of land located on Essex street in the city of Salem, together with the buildings thereon, hereinafter the "Salem Armory", to an entity or entities, hereinafter "the developer". Said conveyance shall be for the purpose of development that may include civic and cultural, commercial, and residential uses and shall be subject to the terms and conditions described in this act and other terms and conditions as the deputy commissioner may prescribe.

Said parcel is bounded and described as follows: A certain parcel of land with buildings thereon located in said Salem, Essex County, Massachusetts, and being shown partly on a plan entitled "Plan of Premises to the Conveyed to the City of Salem for Location of Armory, George F. Ashton, City Engineer 1907", hereinafter Plan of 1907 scale: 1"=20' recorded in the southern district registry of deeds in the county of Essex, at the end of Book 1899, and partly on a "Plan Showing Easement in Right of Way & Land Taken for Armory Purposes," George F. Ashton, City Engineer, Salem, Massachusetts, January 1908, hereinafter Plan of 1908, scale: 1"=5' as referenced with said deeds in Book 1910, Page 519.

Beginning on the northwesterly side of Essex Street at a point which is the intersection of the land marked "Stephen Abbot Associates" with the land

marked "Essex Institute" as shown on said plan of 1907 thence running: Southwesterly, 62 feet 4 inches by Essex Street to a point; thence Northwesterly, 2 feet 7 inches to the line of Essex Street as widened or proposed to be widened in 1876; thence Southwesterly, 16 feet 9 inches by Essex Street to a point; thence Northwesterly 65 feet 2 inches by land now or formerly of Holbrook; thence Southwesterly, 3 feet 6 inches to a point; thence Northwesterly, 28 feet 3 inches to a point; thence Southwesterly, 20 feet 10 inches to the land now or formerly of Simon, the last three lines being by land now or formerly of Holbrook; thence Northerly, 47 feet by land now or formerly of Simon to a point; thence Westerly, 41 feet 0 inches by said land of Simon to land now or formerly of Jenning's Estate; thence Northerly, 127 feet 9.34 inches by land now or formerly of Jenning's Estate to a point marked "F" as shown on plan of 1908; thence Northwesterly, 19 and 63/100 (19.63) feet by land now or formerly of Jenning's Estate to Brown Street at a point marked as "H" as shown on plan of 1908; thence Northeasterly, 4 and 56/100 (4.56) feet by Brown Street to a point marked as "E" as shown on plan of 1908; thence continuing Northeasterly 145 feet 9 inches by said Brown Street to land formerly of the Manning Estate as shown on plan of 1907; thence Southeasterly, 96 feet 4 inches by said land formerly of the Manning Estate to the land of the Essex Institute; thence Southwesterly, 48 feet 2 inches by the land of the Essex Institute to a point; thence Southeasterly, 200 feet 4 inches by the land of Essex Institute to Essex Street and the point of beginning.

The above described premises are subject to a right of way twelve (12) feet in width from Brown Street to land now or formerly of Simon, located on the westerly side of the premises adjoining land now or formerly of Jenning's Estate. For Grantor's Title, see Takings by the Massachusetts State Armory Commission, dated November 25, 1907, and December 9, 1907, and recorded respectively with said deeds in Book 1899, Page 286, and in Book 1910, Page 518. See also Section 40E of Chapter 7 of the General Laws. Any reference to "the parcel" herein may include portions of such parcel.

SECTION 2. Pursuant to the provisions of this section and sections forty E through forty J of chapter seven of the General Laws, the deputy commissioner is hereby authorized to solicit, evaluate, and select development proposals and enter into land disposition agreements between said division of capital planning and operations and the developer.

Prior to issuing a request for proposals pursuant to this section, the deputy commissioner shall undertake such studies as are necessary to determine the economic feasibility of the terms and conditions, including selection criteria, set forth in the request for proposals.

The deputy commissioner shall issue a request for proposals. The request for proposals shall specify:

(1) if the deputy commissioner has determined housing for moderate and middle income households to be a feasible use at either on-site or off-site locations, the minimum number of housing units for such households that must be provided;

(2) if the deputy commissioner has determined the minimum or maximum space, or both, that should be provided for other development uses consistent with the purposes of this act, such minimum or maximum space requirements;

(3) a listing and description of uses determined by the deputy commissioner to be infeasible or inconsistent with the purposes of this act;

(4) all evaluation criteria that will be utilized for the evaluation of proposals, together with a statement that evaluations shall be based solely on the criteria set forth in the request for proposals;

(5) all items or categories of information which must be included in each development proposal, and a format for submitting such information; and

(6) those terms and conditions of the land disposition agreement which are not subject to negotiation, provided that the land disposition agreement shall incorporate by reference the development proposal submitted by the selected developer together with any revisions thereof that have been negotiated in accordance with this section, and provided further that the land disposition agreement shall include remedies on behalf of the commonwealth in the event the developer fails to fulfill its obligation as set forth in the land disposition agreement.

Taking into consideration the proposed price and the evaluations based on the criteria set forth in the request for proposals, the deputy commissioner shall determine the responsible and responsive developer submitting the most advantageous proposal. The deputy commissioner may condition disposition of the parcel described in section one on the negotiation of revisions in the development proposal submitted by the selected developer. The deputy commissioner may reject any and all proposals if he determines that rejection is in the best interests of the commonwealth.

If the deputy commissioner selects a developer who did not offer the highest price, the deputy commissioner shall include a justification for such decision in the notification required by section forty H of chapter seven of the General Laws. The deputy commissioner shall maintain a written record in reasonable detail of evaluations and negotiations undertaken pursuant to this act, and shall retain such record with the proposals in accordance with said section forty H.

SECTION 3. The deputy commissioner is hereby authorized to retain or grant rights of way or easements across the parcel described in section one, and the commonwealth may accept from the developer similar rights of way or easements in roadways or land on the parcels to be conveyed pursuant to this act.

SECTION 4. At least ten days, excluding Saturdays, Sundays, and holidays, before soliciting proposals, the deputy commissioner shall submit to the joint committee on state administration and the inspector general the request for proposals and all studies relating thereto. At least ten days, excluding Saturdays, Sundays, and holidays, before executing any agreement authorized by this act, or any subsequent amendment thereof, the deputy commissioner shall submit the agreement or amendment to the house and senate committees on ways and means, the joint committee on state administration, and the inspector general.

SECTION 5. The deputy commissioner shall provide opportunities for the Salem armory citizens advisory committee to review and comment on studies and the request for proposals. The deputy commissioner shall consider said committee's recommendations, provided that said recommendations shall be advisory only, and in no event shall the deputy commissioner delegate his legal authority to the committee.

House of Representatives, May 26, 1987.

Preamble adopted, George Lewiecki, Speaker.

In Senate, May 28, 1987.

Preamble adopted, William M. Bulger, President.

H 5402

House of Representatives, May 28, 1987.

Bill passed to be enacted, George Keverian, Speaker.

In Senate, May 28, 1987.

Bill passed to be enacted, William M. Bulger, President.

June 3, 1987.

Approved,

at Three o'clock and 55 minutes, P. M.

Governor.

SOUTH AFRICA

H. 286 PETITION

Of Saundra Graham for legislation to prohibit the issuance of industrial development bonds to companies doing business in South Africa.

01/01/86	H.	Referred to the committee on COMMERCE AND LABOR
01/01/86	S.	Senate concurred
	P.	Hearing date Mar 6 am
04/30/86	H.	Reported by committee
05/15/86	H.	Bill reported favorably by committee and placed in the Orders of the Day for the next session -HJ 792
05/19/86	H.	Read second and ordered to a third reading -HJ 818
05/21/86	H.	Read third and passed to be engrossed -HJ 876
05/22/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 598
06/26/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 925
06/30/86	S.	Read second, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 953
07/01/86	H.	Enacted -HJ 1211
07/02/86	S.	Enacted and laid before the Governor -SJ 989
07/15/86	G.	Signed by the Governor, Chapter 233 Acts

H 286

Chapter 233

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT PROHIBITING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT BONDS TO COMPANIES DOING BUSINESS IN SOUTH AFRICA.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The third paragraph of subsection (2) of section 12 of chapter 40D of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following clause:-

(1) the sponsor of the project does not do business in the Union of South Africa.

House of Representatives, July 1, 1986.

Passed to be enacted, Acting, Speaker.

In Senate, July 2, 1986.

Passed to be enacted, , President.

July 15, 1986.

Approved,

, Governor.

CHILD SUPPORT

H. 346		PETITION
		Of Saundra Graham relative to expanding personal jurisdiction over non-resident defendants in child support actions.
01/01/86	H.	Referred to the committee on THE JUDICIARY
01/01/86	S.	Senate concurred
	P.	Hearing date Mar 24 pm
05/01/86	H.	Accompanied a new draft, see H5610
H. 5610		Bill improving the collection of child support in the Commonwealth.
05/01/86	H.	Reported from the committee on THE JUDICIARY
05/01/86	H.	New draft of S847, H558, H748, H1886, H2074, H3573, H4789, H4931, and H5293
05/01/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 570
05/15/86	H.	Accompanied by H5482
05/15/86	H.	Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJ 792
05/19/86	H.	Read second and ordered to a third reading -HJ 826
06/04/86	H.	Read third (title changed)
06/04/86	H.	Bills in the Third Reading amendment adopted
06/04/86	H.	Amendment adopted
06/04/86	H.	Amendment adopted
06/04/86	H.	Passed to be engrossed -HJ 994
06/09/86	S.	Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 787
06/24/86	S.	Committee recommended ought to pass with an amendment, inserting in place thereof the text of S2025
06/24/86	S.	Referred to the committee on SENATE STEERING AND POLICY -SJs 908-909
07/08/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session
07/08/86	S.	See journal for unanimous consent motion
07/08/86	S.	Rules suspended
07/08/86	S.	Read second
07/08/86	S.	Amendment to recommended Ways and Means new text (S2025) adopted
07/08/86	S.	Amended by striking out all after the enactingclause and inserting in place thereof the text of S2025, as amended
07/08/86	S.	Ordered to a third reading
07/08/86	S.	Read third
07/08/86	S.	Bills in the Third Reading discharged
07/08/86	S.	Passed to be engrossed -SJs 1023-1025
07/08/86	H.	Rules suspended
07/08/86	H.	House concurred in the Senate amendment -HJ 1254
07/09/86	H.	Emergency preamble adopted -HJ 1286
07/09/86	S.	Emergency preamble adopted -SJ 1062

CHILD SUPPORT
(CON'T PAGE TWO)

H. 346	PETITION	
07/09/86	H.	Enacted - YEAS 135, NAYS 0 [See Yeas and Nay in Supplement, No. 365] -HJs 1286-1287
07/10/86	S.	Enacted and laid before the Governor -SJ 1067
07/22/86	G.	Signed by the Governor, Chapter 310 Acts

H 5610

Chapter 310

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT IMPROVING THE COLLECTION OF CHILD SUPPORT IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately improve the collection of child support in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The first paragraph of section 1 of chapter 14 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended, in line 3, by inserting after the word "audit" the following words:- the division of child support enforcement,.

SECTION 2. Chapter 18 of the General Laws is hereby amended by striking out section 21, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 21. The department shall be subrogated to the rights to support and maintenance of any welfare recipient to the extent of any payments made by the department to such recipient. The department shall obtain from said recipients such information, in the recipient's knowledge and possession, as may be reasonable necessary to enforce the department's right.

When the department proposes to terminate public assistance due to the collection of monthly support in excess of monthly benefits paid, it shall forthwith notify the IV-D agency as set forth in chapter one hundred and nineteen A./ When the department terminates public assistance for any reason other than the collection of monthly support in excess of benefits paid, it shall forthwith notify said IV-D agency of such action.

Whenever the department notifies a recipient that it proposes to terminate a recipient from assistance, it shall include in such notice a statement of such recipient's right to continued child support services from the IV-D agency.

Before the department denies, terminates or reduces aid to any applicant or recipient of public assistance for failing to cooperate with enforcement of child support, the department shall provide notice of what specific unreasonable acts or omissions, material to the establishment of paternity or establishment or enforcement of a support obligation, the applicant's or recipient's alleged failure to cooperate consisted; and, if the applicant or recipient requests a hearing pursuant to section sixteen to contest such proposed denial, reduction or termination, the department shall have the burden to prove by a preponderance of the evidence that the applicant or recipient did commit such material, unreasonable acts or omission.

SECTION 3. The third paragraph of section 13 of chapter 46 of the General Laws, as appearing in the 1984 Official Edition,, is hereby amended by inserting after the word "seventy-three" in lines 20 and 21 and in line 32, the words:- or two hundred and nine C.

SECTION 4. The third paragraph of said section 13 of chapter 46 of the General Laws, as so appearing, is hereby amended by inserting, after the word "adjudication", in line 31, the words:- or voluntary acknowledgment,- and by striking out the third and fourth sentences and inserting in place thereof the following three sentences:- Upon receipt of a certified copy of a judgment establishing paternity under chapter two hundred and nine C or under similar law of another jurisdiction of voluntary acknowledgement of parentage approved by the court, the clerk of the city or town where the child was born shall prepare a new birth certificate consistent with the findings of the court and shall substitute the new certificate for the original certificate. The fact that paternity was established after the child's birth shall not be ascertainable from the new certificate but the actual place and date of birth shall be shown. The evidence upon which the new birth certificate was made and the original birth certificate shall be kept in a sealed and confidential file and shall be subject to inspection by the mother, the father, or the child; the court with the consent of all interested parties shall allow other persons to inspect such records.

SECTION 5. Chapter 62D of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following section:-

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Claimant agency", the IV-D agency, as set forth in chapter one hundred and nineteen A.

"Debt", an unpaid spousal or child support obligation which is being enforced by the claimant agency, or which is collected or ordered to be collected by a court, whether or not there is an outstanding judgment for that sum.

"Debtor", any individual owing money for support payments to the claimant agency or to persons for whom the claimant agency is providing enforcement services under state and federal law, which obligation has not been adjudged satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Department", the department of revenue.

"Obligee", a person or public agency entitled to assistance in collecting support payments pursuant to state and federal law and to whom is owed a debt for unpaid support.

"Refund", an individual's income tax refund from the commonwealth.

SECTION 6. Said chapter 62D is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. Subject to the limitations contained in this chapter, the department shall, upon the request of the claimant agency, render assistance in the collection of debts owed to the obligee. This assistance shall be provided by setting off refunds due the debtor from the department by the sum certified by the claimant agency as due and owing.

Upon application of an obligee, or upon its own initiative, the claimant agency shall include the claim of such obligee for the debt with such requests for assistance, provided that such a debt shall have arisen under a court order and provided further that such order is ordered to be collected by the probation department, or the claimant agency. The claimant agency is authorized to request sufficient information from the obligee as needed to carry out the purposes of this chapter and to require such obligee to certify the amount of such debt. In the event there is a debt owed to the department of public welfare and to the obligee, the claimant agency shall notify the obligee of the amounts certified, the respective dates the debts were incurred and that the most recently owed obligation will be satisfied first. The claimant agency shall thereafter distribute any amounts intercepted between the depart-

ment of public welfare and the obligee so that the most recently owed obligation is satisfied first, subject to the provisions of sections five and six of this chapter. In the event that the department charges a fee for such assistance to the claimant agency, the claimant agency is authorized to charge a fee to the obligor.

SECTION 6A. Section 4 of said chapter 62D, as so appearing, is hereby amended in line 8, after the word "department," by inserting the following sentences:- The claimant agency shall also, whenever possible, notify the debtor that the debtor's refund is to be set-off. If, within fifteen days of such notice, the debtor requests a reconsideration of the claimant agency's action to set-off the alleged debt, the claimant agency shall undertake a desk review of the alleged debt. If the claimant agency determines that the set-off request to the department was made in error, it shall so notify the department and the department shall rescind the set-off.

SECTION 6B. Section 5 of said chapter 62D, as so appearing, is hereby amended in line 13, after the word "section," by inserting the following words:- and in addition to the notice and desk review procedure set forth in section four,.

SECTION 7. Section 8 of said chapter 62D, as so appearing, is hereby amended by adding the following sentence:- The claimant agency shall, within ten days of the determination, forward the amount from the escrow account to the proper obligee.

SECTION 8. Said chapter 62D is hereby amended by striking out sections 9 and 10, as so appearing, and inserting in place thereof the following three sections:-

Section 9. Upon transfer of the debt due and owing from the escrow account, established pursuant to section five, to the credit of the debtor's account, the claimant agency shall notify the debtor in writing of the finalization of the set-off. Such notice shall include the amount of the refund transferred to the claimant agency, the amount of the set-off, the amount of the refund, if any, returned to the nondebtor spouse, and the amount of any outstanding balance, if any, due to the debtor after the set-off. The claimant agency shall disburse any such outstanding balance due to the debtor.

Section 10. Notwithstanding section twenty-one of chapter sixty-two C or any other provision of law prohibiting disclosure by the department of the contents of taxpayers' records of information and notwithstanding any confi-

dentiality statute applicable to the claimant agency, all information exchanged among the department, the claimant agency, including the IV-D agency of another jurisdiction, the department of public welfare, the debtor, and the nondebtor spouse necessary to accomplish and effectuate the intent of this chapter is lawful.

The information obtained by any agency from the department in accordance with the aforementioned exemption shall only be used by the agency in the pursuit of its debt collection duties and practices and any person employed by, or formerly employed by, the agency who discloses any such information for any other purpose, except as otherwise allowed by section forty-three of chapter two hundred and seventy-one, shall be penalized under provisions of said section forty-three.

Section 10A. The commissioner, in cooperation with the claimant agency, shall establish a program of wage information sharing with other states. The commissioner is hereby authorized to enter into reciprocal agreements with other states to share lists of absent parents who owe support payments to the claimant agency. Such reciprocal agreements shall only be made with states which administer programs that are substantially similar to the wage reporting system. The wage information sharing program shall apply only to states which have similar prohibitions and penalties for disclosure of information as provided in this chapter and only if such prohibitions and penalties apply to information which is transmitted by the commissioner or the claimant agency to the other states. The prohibitions and penalties imposed by said section forty-three of said chapter two hundred and seventy-one shall also apply to any such information received from any other state under a reciprocal agreement.

SECTION 9. Chapter 93 of the General Laws is hereby amended by inserting after section 52 the following section:-

Section 52A. Upon the request of any consumer credit reporting agency as defined in Title 15 of the United States Code, the IV-D agency, as set forth in chapter one hundred and nineteen A, shall compile a list of all obligors with child support arrearages of more than one thousand dollars and the amounts of such arrearages from the cases monitored by said agency under chapters two hundred and eight, two hundred and nine, two hundred and nine C, two hundred and seventy-three and two hundred and seventy-three A, subject to the requirements of the following paragraph. Upon the request of a credit reporting agency, said agency shall notify the credit reporting agency whether any

individual whose name is submitted has an arrearage of more than one thousand dollars and the amount of such arrearage, compiled in the same manner and also subject to the requirements of this section. Said agency shall charge each credit agency a fee to the maximum extent allowed by the provisions of Title IV, Part D, of the Social Security Act.

Prior to furnishing the name of any person with a recorded arrearage of more than one thousand dollars to a credit reporting agency, the IV-D agency shall notify such person that his name is to be furnished, the amount of recorded arrears, and that he may contest the accuracy of the size of the arrearage by furnishing to said agency within fifteen days evidence that the arrearage is not greater than one thousand dollars. If no such evidence is furnished within fifteen days, said agency shall forward the information to the credit reporting agency. If such evidence is furnished, said agency shall determine the size of the arrearage, if any, and forward the information to the credit reporting agency only if the total arrearage exceeds one thousand dollars. If the obligor disagrees with the determination of said agency he may seek review of the decision as to the amount of the arrearage in the division or department of the trial court which set the support order, and said agency shall not forward the information pending the decision of such court. Nothing in this section shall impair the rights of any obligor under federal or state law regarding consumer credit reports or consumer credit reporting agencies.

SECTION 10. Section 23 of chapter 119 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:-

The department shall obtain and provide to the IV-D agency, as set forth in chapter one hundred and nineteen A, an assignment of support rights on behalf of each child receiving foster care maintenance payments pursuant to Title IV, Part E, of the Social Security Act, including, but not limited to the following information: the child's name, date of birth, place of birth, Social Security number, address and benefit level and, if known, each parent's name, date of birth, place of birth, Social Security number, most recent address and most recent employer. The department shall notify said IV-D agency forthwith when a child for whom support is collected no longer receives foster care maintenance payments pursuant to Title IV, Part E, of the Social Security Act.

SECTION 10A. Said chapter 119 is hereby further amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. (a) During the pendency of an action brought pursuant to section twenty-four, temporary orders providing for the support of a child may be entered. The court may thereafter enter a judgment against the party chargeable with support. When the court makes an order of support on behalf of a party, and such party is not covered by a private group health insurance plan, the court shall determine whether the person chargeable with support has private health insurance or a group plan available to him through an employer or organization that may be extended to cover the party for whom support is ordered. When said court has determined that the person chargeable with support has such insurance, said court shall include in the order or judgment a provision relating to said insurance.

At the discretion of the court, whenever appropriate, any such order of support may conform to and be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

(b) Actions under this section to establish support of a child may be commenced by a parent, whether a minor or not; by the child; by the child's guardian, next of kin, or other person standing in a parental relation to the child; by the authorized agent of the department of social services or any agency licensed under chapter twenty-eight A provided that the child is in their custody; or if the child is or was a recipient of any type of public assistance, by the department of public welfare. In the event that someone other than the department of public welfare commences the action, if the parent or child is or was a recipient of any type of public assistance, the court shall notify the department of the pendency of the action and the department shall be permitted to intervene in the action.

(c) An order, or judgment of support pursuant to this section may be entered notwithstanding the default of the person chargeable with support or his failure to appear personally.

(d) In determining the amount of current support to be paid, the court shall apply the child support guidelines established by the chief administrative justice of the trial court, or, in the absence of such standards, shall consider the factors set forth in section thirty-two of chapter two hundred and nine.

(e) The person chargeable with support shall comply with said order, or judgment until the same is dismissed or expires. When an action brought under section twenty-four of this chapter is dismissed or a final order of commitment is entered, the order or judgment of support shall expire six months after the judgment of dismissal or final order of commitment. At the time of such dismissal or final order of commitment, the court shall notify the parties and the IV-D agency, as set forth in chapter one hundred and nineteen A, of the expiration date of the support order or judgment.

SECTION 10B. The General Laws are hereby amended by inserting after chapter 119 the following chapter:-

CHAPTER 119A.

CHILD SUPPORT ENFORCEMENT.

Section 1. There is hereby established within the executive office for administration and finance, the child support enforcement commission. Said commission shall consist of six members who shall be the secretary of the executive office for administration and finance who shall serve as chairman, the commissioner of revenue, the attorney general, the chief administrative justice of the trial court, the commissioner of public welfare and a district attorney who shall be designated by the governor. Said commission shall monitor the child support enforcement system of the commonwealth and shall, from time to time, advise the IV-D agency and other agencies of the commonwealth, including the appropriate divisions of the trial court department, in matters for the improvement of the child support enforcement system of the commonwealth.

The department of revenue shall be the single state agency within the commonwealth that is designated the IV-D agency pursuant to Title IV, Part D of the Social Security Act and hereinafter in this chapter shall be referred to as the IV-D agency. The commissioner of revenue shall establish a division of child support enforcement which shall be provided, subject to appropriation, with such resources as may be necessary to implement the provisions of this chapter.

Section 2. In accordance with the provisions of Title IV, Part D of the Social Security Act, the IV-D agency shall provide comparable services to children and families, whether or not they are recipients of public assistance, to establish and enforce child support obligations. Said services shall include the location of absent parents, the establishment of paternity, the

establishment of child support orders, the collection and disbursement of child support payments and any other services or responsibilities required by said Title IV, Part D. Said IV-D agency may accept applications for services from individuals seeking to establish or enforce orders of child support and shall charge a fee for such services which shall be established pursuant to the provisions of section three B of chapter seven, subject to the provisions of federal law. The IV-D agency shall also enforce the subrogation rights of the department of public welfare under section twenty-one of chapter eighteen. The first priority of the IV-D agency with regard to the enforcement of the subrogation rights of the department of public welfare shall be the collection of sufficient support payments on behalf of recipients of public assistance to enable such recipients to live independently of public assistance; provided, however, that the department of public welfare is authorized to receive support payments made on behalf of a current recipient only to the extent required by the provisions of Title IV, Part D, of the Social Security Act and to receive support payments made on behalf of a former recipient for arrearages only to the extent that the remainder of the support payments sent to such former recipient shall be reasonably calculated to provide sufficient maintenance for such former recipient and that such remainder is consistent with child support guidelines, if any, established by the chief administrative justice of the trial court.

Section 3. In enforcing the subrogation rights of the department of public welfare, the IV-D agency may file an action either in the name of the recipient of public assistance or in the name of the department. Upon the request of an individual who is not a recipient of public assistance, the IV-D agency may file an action in the name of the individual.

The IV-D agency shall serve notice by first class mail to the recipient or to the individual who is not a recipient of all complaints or motions the IV-D agency files in such actions and of all proceedings of which the IV-D agency receives notice pursuant to court rule. The IV-D agency may use any method available to a private party to collect support, including the following:-

(1) if no support order is outstanding, the IV-D agency may seek to obtain a support order on any outstanding complaint for divorce, separate support, paternity or, support or on any petition filed pursuant to section twenty-four of chapter one hundred and nineteen;

(2) the IV-D agency may seek to obtain a modification of any outstanding court order for support on any complaint or judgment of divorce, separate support, paternity or support;

(3) the IV-D agency may institute contempt proceedings under the provisions of section thirty-four A of chapter two hundred and fifteen to compel compliance with a court order;

(4) the IV-D agency may intervene or appear in actions for divorce, separate support, paternity, support, care and protection or proceeding supplemental thereto for the purpose of advising the court as to the financial interest of the commonwealth in the action, when either or both of the parties or their child is receiving public assistance, or has received public assistance if an arrearage is owed to the IV-D agency pursuant to an existing court order or judgment for support;

(5) if no action is pending or has been adjudicated, the IV-D agency may file an action to establish paternity and support pursuant to chapter two hundred and nine C or a civil action to establish support pursuant to section thirty-two F of chapter two hundred and nine; or the IV-D agency may act to enforce any support order that has previously been issued by any court of competent jurisdiction by contempt proceedings or any other proceeding;

(6) the IV-D agency may apply for a complaint under chapter two hundred and seventy-three; and

(7) the IV-D agency may file a petition under chapter two hundred and seventy-three A.

Whenever the IV-D agency seeks to establish or enforce payment of any arrearage for past failure to pay support, it shall not seek an order which would directly or indirectly result in a decrease in the amount of the current support paid to or on behalf of the child or spouse to whom, or on whose behalf, it is owed.

Section 4. The IV-D agency shall, subject to appropriation, employ personnel, develop automated collection, disbursement and data systems, and establish field offices to carry out its responsibilities. Said IV-D agency is also authorized to contract with other public and private agencies to carry out its responsibilities. The IV-D agency shall establish accounting systems to record child support payments received by it on behalf of obligees pursuant to wage assignments in effect for child support obligors. Said IV-D agency shall credit the accounts of such obligors and shall disburse such payments to

the obligee or, if appropriate, to the department of public welfare in the most expeditious fashion. Said IV-D agency shall provide a report to the obligor, the obligee and, if appropriate, the department of public welfare on an annual basis of the amounts of such payments received by it during the preceding year from wage assignments and how such payments were distributed. Said IV-D agency shall also provide a report to the obligor, the obligee and, if appropriate, the department of public welfare on an annual basis of the amounts received by it during the preceding year not collected through the wage assignment process and how such payments were distributed. The IV-D agency shall establish procedures to monitor the receipt of child support payments which are not received as part of the wage assignment. Whenever said IV-D agency determines that an arrearage by an obligor amounting to a fourteen-day period has accrued, it shall take such actions as are authorized and required by law to cause a suspended wage assignment to go into effect.

Section 5. The IV-D agency shall monitor the child support payments which it receives and shall notify the obligor, or any employer or other person remitting child support payments on behalf of the obligor, when the child support obligations of the obligor have been satisfied and shall make available to such obligor an accounting of the distribution of such payments. Said IV-D agency shall remit to the obligor any payments received by said IV-D agency in excess of the amount required by the judgment or order of support. Said IV-D agency shall make any adjustment of its records relative to the child support payments owed by the obligor pursuant to any judgment, support order or modification of such order.

Whenever the department of public welfare notifies the IV-D agency that it proposes to terminate public assistance payable to an obligee, said IV-D agency shall take such steps as are reasonably necessary to ensure that such obligee shall receive, no later than the date the obligee would have received its next public assistance check, the support payment and any refund then due pursuant to federal law and that the obligee will continue to receive such support payments regularly until the judgment or support order is satisfied or until said IV-D agency is notified by the department of public welfare that such obligee is again receiving public assistance.

Whenever the department of public welfare notifies the IV-D agency that public assistance to an obligee has been terminated for any reason other than the collection of monthly support in excess of benefits paid, said IV-D agency

shall take such steps as are reasonably necessary to ensure that such obligee shall receive, no later than two weeks from the date the obligee would have received his next public assistance check, the support payment and any refund then due pursuant to federal law and that the obligee will continue to receive such support payments regularly until the judgment or support order is satisfied or until said IV-D agency is notified by the department of public welfare that such obligee is again receiving public assistance.

Said IV-D agency shall notify the obligee of his right to request a report of the amount and distribution of all monies sent to said office on behalf of said obligee. Said IV-D agency shall also notify such obligee of his eligibility for IV-D services as a nonpublic assistance recipient and shall continue to provide any appropriate child support services unless requested by the obligee to terminate services.

Section 6. The IV-D agency, in accordance with Title IV, Part D of the Social Security Act, is hereby authorized to institute collection procedures for all arrearages which have accrued against child support payments owed pursuant to a court judgment or support order. These collection procedures shall include, but not be limited to, notification of employers that a wage assignment is in effect and not suspended, notification of obligors, demand letters, use of state and federal tax refund intercept programs, initiating contempt proceedings, and seeking capias in appropriate situations.

Section 7. On behalf of any individual for whom the IV-D agency is already providing services, or on application of obligee or obligor of a support order issued by the commonwealth or an agency to whom the obligee has assigned support rights, the IV-D agency shall promptly request the corresponding agency of another jurisdiction in which the obligor of a support order derives income to enter the support order for the purpose of obtaining income withholding against such income. Said IV-D agency shall compile and transmit promptly to the agency of the other jurisdiction all documentation required to enter a support order in a court or agency of competent jurisdiction for this purpose. Said IV-D agency shall transmit immediately to the agency of the other jurisdiction a certified copy of any subsequent known modifications of the support order. If said IV-D agency receives notice that the obligor is contesting income withholding in another jurisdiction, it shall immediately notify the individual obligee of the date, time, and place of the hearings and of the obligee's right to attend.

Section 8. (a) Upon receiving from a corresponding agency in another jurisdiction a support order issued by a court or agency of competent jurisdiction with the documentation specified herein, the IV-D agency shall file the documents with the district or municipal court department of the trial court for enforcement pursuant to section ten of chapter two hundred and seventy-three A.

The following documentation is required for the filing of a support order of another jurisdiction:

(1) a certified copy of the support order with all modifications;

(2) a certified copy of any income withholding order still in effect;

(3) a copy of the portion of the income withholding statute of the jurisdiction which issued the support order which states the requirements for obtaining income withholding under the law of that jurisdiction;

(4) an affidavit of the obligee or certified statement of the court or agency of the arrearages and the assignment of support rights, if any; and

(5) a statement of:

(a) the name, address, and social security number of the obligor, if known;

(b) the name and address of the obligor's employer or of any other source of income of the obligor derived in this state against which income withholding is sought;

(c) the name and address of the court or agency or person to whom support payments collected by income withholding shall be transmitted.

(b) If the documentation received by the IV-D agency does not conform to the requirements of paragraph (a), the IV-D agency shall remedy any defect which it can without the assistance of the requesting agency. If the IV-D agency is unable to make such corrections, the requesting agency shall immediately be notified of the necessary additions or corrections. In neither case shall the documentation be returned. The documentation required by this section shall be valid so long as the substantive requirements of this section are met.

Section 9. There is hereby established, separate and apart from all the public monies or funds of the commonwealth, a child support trust fund, which shall be administered by the IV-D agency without liability on the part of the commonwealth beyond the amounts credited to and earned by the fund.

The fund shall consist of all child support payments from or on behalf of individual obligors paid to the commonwealth pursuant to this chapter, all fees charged and collected by the IV-D agency for its services, all incentive payments made by the federal government for child support activities, and all interest or other earnings from monies in the fund.

All monies in the fund shall be pooled and available for support payments, refunds, and other payments authorized by this chapter.

Section 10. The state treasurer shall serve as treasurer of the child support trust fund. He shall maintain within the child support trust fund two separate accounts as follows:-

(1) A child support payments account of amounts to be distributed to the proper obligees.

(2) A child support services account to be expended, without appropriation, on child support services authorized pursuant to Title IV, Part D, of the Social Security Act. To this account shall be credited all fees collected by the IV-D agency, all federal incentive payments, and all interest and earnings of the fund.

Section 11. The state treasurer shall from time to time requisition from said child support trust fund such amounts, not exceeding the amounts credited to the child support payments account, as the commissioner of revenue deems necessary for the payment of child support to obligees in accordance with the provisions of this chapter. The state treasurer shall also from time to time requisition from said child support trust fund such amounts, not exceeding amounts credited to the child support services account, as the commissioner of revenue deems necessary for a reasonable future period for the provision of child support services; provided that such amounts shall conform to a schedule of anticipated expenditures on file with the budget bureau and the house and senate committees on ways and means.

Section 12. (a) Each judgment or order for support issued pursuant to chapter two hundred and seven, chapter two hundred and eight, chapter two hundred and nine, chapter two hundred and nine C, and chapter two hundred and seventy-three A shall conform to and shall be enforced according to the provisions of this section. Each outstanding order for support which is reviewed, modified or otherwise brought before the court pursuant to any of said chapters or pursuant to section eighteen A of chapter two hundred and seventy-three shall be amended so as to conform to and shall thereafter be en-

forced in accordance with the provisions of this section. At the discretion of the court, whenever appropriate, any order for the support of a child issued pursuant to section twenty-eight A of chapter one hundred and nineteen may conform to and be enforced in accordance with the provisions of this section.

(b) Each judgment or order for support to which this section applies shall be made payable to the IV-D agency on behalf of each obligee who is a recipient of public assistance or who signs an application to such IV-D agency for child support services. Such judgment or order shall be made payable directly to the obligee in any case where the obligor and the obligee agree in writing that payment shall be made directly to the obligee. Said IV-D agency shall have the responsibility to forward payments on a current basis pursuant to such judgment or order to the obligee or, to the extent that the obligee receives or received public assistance, to the department of public welfare. Each such judgment or order, whether payable to said agency or to an obligee, shall include a provision assigning a portion of the obligor's commissions, earnings, salaries, wages, or other periodic income from whatever source, except as expressly limited by law, to said agency in an amount sufficient to comply with the support order. Each such judgment or order shall also include a provision that the assignment be sufficient to reduce any arrearage of support that accrues under the order by increasing the assignment by twenty-five per cent until such arrearage is paid off, unless, upon request of an obligor pursuant to paragraph (2) of subsection (e), the court makes a determination that the additional payment would work an undue hardship on the obligor. No current order shall be reduced in order to pay off an arrearage.

The department of public welfare is authorized to receive support payments made on behalf of a current recipient only to the extent required by the provisions of Title IV, Part D, of the Social Security Act and to receive support payments made on behalf of a former recipient for arrearages only to the extent that the remainder of the support payments sent to such former recipient shall be reasonably calculated to provide sufficient maintenance for such former recipient and that such remainder is consistent with child support guidelines, if any, established by the chief administrative justice of the trial court. This section shall not affect the availability of any method for collecting an arrearage. In any case with an outstanding support order under this chapter in which no order of assignment has been executed, said IV-D agency shall executive an assignment and this section shall apply.

(c) Such assignment shall take effect immediately when the obligor is found in violation or contempt of an order of support. Such assignment shall also take effect immediately in all other cases, unless the court or the hearing officer finds good cause exists to order that the assignment be suspended and makes written findings in support of suspension or unless the obligor and the obligee agree in writing that payment shall be made directly to the obligee. Before the hearing regarding the suspension of such assignment, the IV-D agency shall inform the obligor that under the provisions of subsections (d) and (e), such assignment, even if suspended, will take effect without any further hearing if an arrearage accrues as described in paragraph (1) or (2), and that a hearing will be available as provided in said subsections (d) and (e).

In the event that an assignment is suspended in the first instance, it shall take effect:-

(1) when a total arrearage amounting to the support owing for a fourteen-day period has accrued; or

(2) in cases where payment is to be made once per month, fourteen days after a payment is missed, or, if no payment is missed, fourteen days after an arrearage amounting to one-half the amount of support owing for one month has accrued; or

(3) at the request of the obligor at any time prior to the accrual of an arrearage described in paragraph (1) or (2). Assignments pursuant to this section shall terminate when the underlying support obligation terminates and all arrears are paid. When the employee changes employers, the obligor shall promptly notify the IV-D agency which shall transfer the assignment to the subsequent employer. If an assignment is in effect under this section but cannot be implemented because the obligor has no employer, said agency shall send the assignment to any employer who later employs the obligor as soon as the new employment is ascertained.

(d) When said agency determines on its own information or on account of a claim by an obligee or the department of public welfare that an arrearage has accrued, it shall immediately send the notice of assignment to the obligor's employer as specified in subsection (f) and shall send a notice to the obligor that he may, within fifteen days from the date the notice is sent submit a request in writing for a hearing as to whether the assignment should be further suspended. Where the payment is not paid through the IV-D agency or the court, an obligee making a claim that an arrearage ha accrued, shall

make the claim in writing under the penalties of perjury. The notice to the obligor shall also specify the amount to be withheld, and the procedures and grounds for further suspending the assignment. Such notice to the obligor shall set forth that the assignment applies to the obligor's subsequent employers and that the obligor is bound to notify said agency immediately when his employment changes or be subject to possible punishment for civil contempt of court.

(e) (1) If the obligor requests a hearing, it shall be held within fifteen days from receipt of his request. If at the hearing the obligor establishes that no arrearage satisfying the requirements of clause (1) or (2) of subsection (c) existed at the time notice was given or at any time thereafter, or that he is not the person owing such arrearage, the court or hearing officer may order that such assignment be suspended until such an arrearage does accrue. A suspension shall not be ordered upon any other grounds, including the fact that an arrearage satisfying said clause (1) or (2) does not exist at the time of the hearing if such an arrearage existed at the time when the notice was mailed or any time thereafter.

If the court or hearing officer orders that the assignment be suspended, said agency shall promptly notify the employer.

(2) The obligor may also request a hearing, under the same procedure and with the same notice, if he contends that the payment of arrears at the rate of twenty-five per cent of the face amount of the child support order is excessive or that the total arrears owing is incorrect. If the court or hearing officer determines at the hearing that payment of arrearage at that rate leaves the obligor with less money than is required to provide him minimum subsistence, or works an undue hardship on the obligor, the court or hearing officer may reduce the rate at which the arrearage must be paid to a reasonable rate. If the court or hearing officer determines at the hearing that the total amount of arrears calculated is erroneous, he shall reduce the amount calculated to correct the amount.

(f) The IV-D agency shall send notice of the assignment to the employer at the time required by subsection (d). The notice of assignment sent to the employer shall contain notice of paragraphs (1) to (7), inclusive, of this subsection, and shall also state the amount to be withheld and that such amount shall not exceed the limit on the obligor's income set by the Consumer Credit Protection Act.

(1) The employer may deduct from said earnings a sum not exceeding one dollar per pay period as reimbursement for costs incurred, and may submit to said agency one check covering all its employees whose income is assigned along with a statement enumerating each employee's obligation and amount paid.

(2) The employer may not discipline, suspend or discharge an employee because of an assignment executed pursuant to this section. Any employer who violates this section shall be liable in a civil action, action for contempt or other appropriate proceeding to such employee for all wages and employment benefits lost by the employee from the time of the unlawful discipline, suspension or discharge to the period of reinstatement.

(3) If an employer fails to comply with an order of income assignment executed pursuant to this section the court may summon the employer to appear in court and show cause why he should not be held in civil contempt for failure to obey said order. Said employer shall also be liable to the obligee in a civil action, action for contempt, or other appropriate proceeding for the full amount of the income assigned and a civil penalty of five hundred dollars.

(4) This order shall have priority over all other orders of assignment, attachment, liens, executions and other legal process, from whatever source, notwithstanding any other provision of law.

(5) The employer shall send the amount required by the assignment to said agency within three days of the date the employee is paid.

(6) The assignment shall begin on the first payment of income that occurs more than three days after the employer receives notice of the assignment and shall continue until the employee leaves that employment or the employer is notified by said agency that the assignment should be terminated.

(7) If the employee leaves the employment, the employer shall be responsible to notify said IV-D agency of his departure and his subsequent employer, if known, prior to the time that the next payment to said office is due.

(g) Data collected by the said IV-D agency shall not be a public record under chapter sixty-six, and access to this data shall be available only to employees of said agency and its contractors and to the obligor, obligee and children on whose behalf support is being paid and their representatives.

(h) Each obligor making payments to the said IV-D agency under this section shall be sent a notice describing the suspended income assignment system, including the factors triggering assignment under subsection (c), the

obligor's duty to report changes in address or employment under subsection (d), and the obligor's right to access to the information compiled on his case at the time when the order of support entered, and once each year thereafter. Those obligors with orders already in effect shall be sent such notice within six months of the effective date of this section, and annually thereafter.

(i) When the obligor is self-employed, assignment shall be ordered in compliance with subsection (b) of this section. When income assignment cannot be obtained because the obligor has insufficient periodic income subject to attachment, the court may require that the obligor post a bond in an amount sufficient to secure the obligation of support. Such obligation may also be enforced by attachment of or lien against property, trustee process in accordance with chapter two hundred and forty-six; civil action to reach and apply; and any other civil remedy available for the enforcement of judgments or for the enforcement of support or custody orders entered under chapter two hundred and eight, two hundred and nine, two hundred and nine C or two hundred and seventy-three A.

SECTION 11. Section 7 of chapter 190 of the General Laws, as so appearing, is hereby amended by inserting after the word "seventy-three", in line 3, the words:- or chapter two hundred and nine C.

SECTION 12. Chapter 208 of the General Laws is hereby amended by striking out section 36, as so appearing, and inserting in place thereof the following section:-

Section 36. When alimony or support is adjudged for the spouse or children, the court may require sufficient security for its payment according to the judgment. Each judgment or order of support which is issued, reviewed or modified pursuant to this chapter shall conform to and shall be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

SECTION 13. Chapter 209 of the General Laws is hereby amended by striking out section 32E, as so appearing, and inserting in place thereof the following section:-

Section 32E. Each judgment or order of support which is issued, reviewed or modified pursuant to this chapter shall conform to and shall be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

SECTION 14. Said chapter 209 is hereby further amended by inserting after section 32E the following section:-

Section 32F. (a) If married persons live apart from each other, and no action pursuant to chapter two hundred and eight, section thirty-two of this chapter, or chapter two hundred and seven has been filed, the district, Boston municipal or probate and family court may enter a judgment against the spouse chargeable with support providing for the current support of the other spouse, and against any married person living apart from his minor child or children for the support of the child or children of the marriage. Such an action may be commenced by the spouse or child entitled to receive support; by a child's guardian, next of kin, or person having care and physical custody of the child, where the action is on behalf of the child; or by the department of public welfare, where the spouse or child is or was a recipient of benefits under chapters one hundred and seventeen or one hundred and eighteen. Where a spouse or child is or was a recipient of such benefits, the court shall notify the department of public welfare of the pendency of the action and the department shall be permitted to intervene in the action. Where the plaintiff is the department of public welfare or anyone other than the spouse or parent of child entitled to receive support, the court shall ensure that such spouse or all parties are notified of the action and of any motions for temporary orders of support. A spouse or parent or custodian shall be permitted to intervene in the action as of right. An order or judgment or support pursuant to this section may be entered notwithstanding the default of the defendant or his failure to appear personally.

(b) Proceedings under this section shall be filed in the judicial district or county where either spouse lives except that if the action includes or is on behalf of a minor child who does not live with either parent, the action shall be filed in the judicial district or county where the child lives. There shall be no filing fee for actions pursuant to this section. Service of the complaint shall be made in accordance with applicable rules of court. In addition to those otherwise authorized to serve civil process, any officer authorized under the laws of the commonwealth to serve criminal process may serve any process under this section.

(c) During the pendency of an action under this section and pursuant to the procedures adopted under chapter two hundred and twenty-one B, if applicable, temporary orders providing for the support of the spouse or children, may

be entered. Such orders shall continue in force until modified or revoked, and shall be superseded by an order or judgment pursuant to an action under chapter two hundred and eight, under section thirty-two of this chapter or under chapter two hundred and seven.

(d) In determining the amount of current support to be paid, the court shall apply the standards established pursuant to guidelines established by the chief administrative justice of the trial court or, in the absence of such standards, shall consider the factors set forth in section thirty-two of this chapter.

The provisions of section thirty-seven of this chapter regarding health insurance shall apply to any action brought under this section.

(e) The court has continuing jurisdiction to modify, increase, decrease or revoke a judgment of support at any time after the judgment was made upon a complaint for modification and a showing of a substantial change or circumstances of parties and as the benefit of the spouse or child requires.

(f) No proceedings under this section shall be commenced or entertained if there is a prior pending action between the spouses or regarding the child entitled to support under chapters two hundred and seven, or chapter two hundred and eight or under section thirty-two of this chapter. If an action under chapters two hundred and seven, two hundred and eight or section thirty-two of this chapter is filed after the commencement of proceedings or after a judgment under this section, any support order or judgment issued in such action shall supersede any support order or judgment and any income assignment made under this section. Nothing herein shall prevent the probate and family court department in any proceeding under chapters two hundred and seven, two hundred and eight or section thirty-two of this chapter from entering an order or judgment enforcing any order or judgment under this section which has not been paid or entering an order or judgment enforcing provisions for payment contained in a judgment entered under this section.

(g) The administrative justices of the district, Boston municipal and probate and family court department of the trial court shall jointly promulgate a form of complaint for use under this section which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

SECTION 15. Section 1 of chapter 209A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definition

of "Family or household member" and inserting in place thereof the following definition:-

"Family or household member", household member, former household member, a spouse, former spouse or their minor children, blood relative or person who, though unrelated by blood or marriage, is the parent of the plaintiff's minor child.

SECTION 16. The General Laws are hereby further amended by inserting after chapter 209B the following chapter:-

CHAPTER 209C.

CHILDREN BORN OUT OF WEDLOCK.

Section 1. Children born to parents who are not married to each other shall be entitled to the same rights and protections of the law as all other children. It is the purpose of this chapter to establish a means for such children either to be acknowledged by their parents voluntarily or, on complaint by one or the other of their parents or such other person or agency as is authorized to file a complaint by section five, to have an adjudication of their paternity, to have an order for their support and to have a declaration relative to their custody or visitation rights ordered by a court of competent jurisdiction. For the purpose of this chapter, the term "child born out of wedlock" shall refer to any child born to a man and woman who are not married to each other and shall include a child who was conceived and born to parents who are not married to each other but who subsequently intermarry and whose paternity has not been acknowledged by word or deed or whose paternity has not been adjudicated by a court of competent jurisdiction; and a child born to parents who are not married to each other whose paternity has been adjudicated by a court of competent jurisdiction, including an adjudication in a proceeding pursuant to this chapter or prior law. Every person is responsible for the support of his child born out of wedlock from its birth up to the age of eighteen, or, where such child is domiciled in the home of a parent and principally dependent upon said parent for maintenance, to age twenty-one. Each person charged with support under this section shall be required to furnish support according to his financial ability and earning capacity pursuant to the provisions of this chapter.

Section 2. Paternity may be established by the registration of an acknowledgment of parentage executed by both parents and filed with the court pursuant to section eleven or pursuant to an action to establish paternity

filed pursuant to this chapter. Actions to establish support obligations or for custody or visitation rights may also be filed pursuant to this chapter.

Section 3. (a) The district, Boston municipal and the probate and family court departments of the trial court shall have concurrent jurisdiction over complaints to establish paternity or support and the registration of voluntary acknowledgments of parentage; provided, however, that the district and Boston municipal court departments shall have no jurisdiction of custody or visitation matters under this chapter. Complaints to establish paternity or support or for voluntary acknowledgments of parentage which also include a request for an order relative to custody or visitation shall be filed only in the probate and family court department.

(b) Any party to an action for paternity or support which is pending or was previously adjudicated by the district or Boston municipal court departments who seeks an order relative to custody or visitation may, after the adjudication or voluntary acknowledgment of paternity and entry of an order or judgment for support, file an action in the probate and family court department to determine custody or visitation. The probate and family court department shall proceed to adjudicate custody or visitation. The judgment of the court may include an order modifying any support order or judgment previously issued by the district or Boston municipal court departments, if there has been a substantial change of circumstances, as provided in section twenty.

(c) The juvenile court department shall have concurrent jurisdiction to adjudicate paternity and support and to accept registration of voluntary acknowledgments of parentage under this chapter, provided that actions brought under this chapter are joined or consolidated with actions brought under section twenty-four of chapter one hundred and nineteen and, provided further, that the action under section twenty-four of chapter one hundred and nineteen is initiated before the filing of a complaint under this chapter.

(d) Unless modified as provided in subsection (b) above, a prior order or judgment for support entered in the district or Boston municipal court department shall remain in full force and effect and shall be enforced in the Boston municipal court department or in the division of the district court department in which the original order or judgment for support was entered. In the event of a modification of a support order, the register of probate for the county in which the action for custody or visitation was filed shall notify the clerk-magistrate of the appropriate district or Boston municipal court in

which support was previously adjudicated. The clerk-magistrate shall make entry in the docket of the fact that the case shall thereafter be heard only in the probate and family court department.

(e) An order or judgment for support entered in the juvenile court department shall remain in full force and effect and shall be enforced in the division of the juvenile court department in which the original order or judgment of support was entered during the pendency of an action pursuant to section twenty-four of chapter one hundred and nineteen. Six months after the dismissal or final order of commitment pursuant to section twenty-four of chapter one hundred and nineteen, the order or judgment of support shall expire. At the time of such dismissal or final order of commitment, the clerk-magistrate shall notify the parties and the IV-D agency, as set forth in chapter one hundred and nineteen A, of the date of expiration of the support order or judgment. If, before the expiration of the order or judgment of support, any of the parties or said IV-D agency files an action for support in the Boston municipal court department or the appropriate division of the district or probate and family court departments, the prior order or judgment shall be transferred to that court department and shall remain in full force and effect and shall be enforced and modified in said court department.

Section 4. Complaints under this chapter to establish paternity, support, custody or visitation of a child and written voluntary acknowledgments of parentage shall be filed in the judicial district or county in which the child and one of the parents lives. If neither of the parents lives in the same judicial district or county as the child then the complaint shall be filed in the judicial district or county where the child lives. The fact that the child was conceived, was born, or lives outside the commonwealth does not bar a proceeding to establish paternity pursuant to this chapter. Service of the complaint shall be made in accordance with applicable rules of court. In addition to those otherwise authorized to serve civil process, any officer authorized under the laws of the commonwealth to serve criminal process may serve any process under this chapter.

Section 5. (a) Complaints under this chapter to establish paternity, support, visitation or custody of a child may be commenced by the mother, whether a minor or not; by a person presumed to be or alleging himself to be the father, whether a minor or not; by the child; by the child's guardian, next of kin, or other person standing in a parental relation to the child; by the par-

ent or personal representative of the mother if the mother has died or has abandoned the child; by the parent or personal representative of the father if the father has died; by the authorized agent of the department of social services or any agency licensed under chapter twenty-eight A provided that the child is in their custody; or, if the child is or was a recipient of any type of public assistance, by the department of public welfare; provided, however, that if the mother of the child was or is married and the child's birth occurs during the marriage or within three hundred days of its termination by death, annulment or divorce, complaints under this chapter may not be filed by a person presumed to be or alleging himself to be the father unless he is or was the mother's husband at the time of the child's birth or conception.

(b) Voluntary acknowledgments of parentage may be executed by the mother and the putative father, whether either or both is a minor, and may be registered pursuant to section eleven only if the signatures of the mother and the father are notarized. If the mother of the child was or is married and the child's birth occurs during the marriage or within three hundred days of its termination by death, annulment or divorce, a voluntary acknowledgment of parentage may only be executed by the mother, the putative father and the mother's husband at the time of the child's birth or conception. If such acknowledgment is executed with the department of public welfare or with any official of a court, such acknowledgment shall not be registered unless the mother and the father were informed in writing at the time the acknowledgment was executed that such acknowledgment would be registered with the court and could form the basis of a claim against the mother or the father for support of the child whose parentage is acknowledged.

(c) Any agency or person living with such child who is actually furnishing support to the child or, if the child who is the subject of an action under this chapter is a recipient of public assistance, the department of public welfare shall be made a party to any action for paternity or support under this chapter.

(d) The department of public welfare may not file complaints solely for custody or visitation, but shall be permitted to file actions for paternity or support; provided, however, that said department shall be permitted to maintain an action for paternity or support even if issues related to custody or visitation are raised.

(e) In actions under this chapter relative to custody or visitation, the child, if the child is fourteen years of age or older, shall be made a party to such action.

Section 6. (a) In all actions under this chapter a man is presumed to be the father of a child and must be joined as a party if:

(1) he is or has been married to the mother and the child was born during the marriage, or within three hundred days after the marriage was terminated by death, annulment or divorce; or

(2) before the child's birth, he married or attempted to marry the mother by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child was born during the attempted marriage or within three hundred days after its termination; or

(3) after the child's birth, he married or attempted to marry the mother by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and

(i) he agreed to support the child under a written voluntary promise, or

(ii) he has engaged in any other conduct which can be construed as an acknowledgment of paternity; or

(4) while the child is under the age of majority, he, jointly with the mother, received the child into their home and openly held out the child as their child; or

(5) he has acknowledged paternity in a parental responsibility claim as provided in section four A of chapter two hundred and ten and the mother, having received actual notice thereof, has failed within a reasonable time, to object thereto; or

(6) with his consent and the consent of the child's mother, he is named as the child's father on the birth certificate as provided in section one of chapter forty-six.

Section 7. Actions under this chapter shall be civil actions. The plaintiff in an action filed to establish paternity may be represented by the IV-D agency, as set forth in chapter one hundred and nineteen A. In actions in which custody or visitation are contested, court may appoint counsel to represent either party wherever the interests of justice require.

The burden of proof in proceedings under this chapter to establish paternity shall be by clear and convincing evidence.

Section 8. On complaint to establish paternity, the court shall make a judgment establishing or not establishing paternity which shall be determinative for all purposes. The age of the person alleged to be the father in any action under this chapter, including a registration of parentage, shall not be a bar to the establishment of paternity or entry of a support order pursuant to section nine. If the child or the mother on behalf of the child is a recipient of public assistance and if the department of public welfare has not been made a party as required by section five, the court shall notify the department of the judgment. If the judgment is at variance with the child's birth certificate, the court may order that a new birth certificate be issued under section thirteen of chapter forty-six.

Section 9. (a) If the court finds that a parent is chargeable with the support of a child, the court shall make an order in accordance with subsection (c) requiring a parent to pay weekly or at other fixed periods a sum for and toward the current support and maintenance of such child. An order or judgment of support pursuant to this chapter may be entered notwithstanding the default of the defendant or his failure to appear personally. When the court makes a judgment or order for maintenance or support of a child and such child is not covered by a private group health insurance plan, the court shall determine whether the obligor under such judgment or order has health insurance or a group plan available to him through an employer or organization that may be extended to cover the child for whom support is ordered. When the court has determined that the obligor has such insurance, the court shall include in the support judgment or order a requirement that the obligor exercise the option of additional coverage in favor of such child. In addition, the court may order one party to pay the other party including the department of public welfare a sum for past support including payment for medical expenses consistent with the provisions of subsection (f).

(b) Upon demand by either party, including the department of public welfare, the other party shall be compelled to provide a financial statement, except that the department of public welfare shall not be compelled to provide a financial statement for a recipient of public assistance, and, provided further, if no party makes such a demand, the court may require a financial statement of each party.

(c) In determining the amount to be paid or in approving the agreement of the parties, the court shall apply the standards established by the chief ad-

ministrative justice of the trial court or, in the absence of such standards, shall consider all relevant facts, including but not limited to:

(1) needs of persons entitled to support including necessary shelter, food, clothing, medical care and education;

(2) relative financial means of each parent, including their standard of living, age, health, station, occupation, amount and sources of income, including unearned income, vocational skills, employability, estate, liabilities and opportunity of each for future acquisition of capital assets and income;

(3) earning ability of each parent;

(4) age of the child;

(5) need and capacity of the child for education, including higher education;

(6) value of services, including those as a homemaker, contributed by the custodial parent; and

(7) the amount necessary for the obligor's minimum subsistence, including food, shelter, utilities, clothing and the reasonable expenses necessary to travel or obtain employment.

(d) It shall not be a defense that the parent from whom support is sought has ceased to have custody or the right to custody of a minor child for whom support is sought, or that the custodial parent is interfering with the other parent's right of visitation.

(e) If the child on whose behalf support is ordered is a recipient of benefits pursuant to chapters one hundred and seventeen or one hundred and eighteen of the General Laws and the department of public welfare has not been made a party as required by section five, the court shall notify the department of the order or judgment or support.

Section 10. (a) Upon or after an adjudication or voluntary acknowledgment of paternity, the court may award custody to the mother or the father or to them jointly or to another suitable person as hereafter further specified as may be appropriate in the best interests of the child.

In awarding custody to one of the parents, the court shall, to the extent possible, preserve the relationship between the child and the primary caretaker parent. The court shall also consider where and with whom the child has resided within the six months immediately preceding proceedings pursuant to this chapter and whether one or both of the parents has established a personal and parental relationship with the child or has exercised parental responsibility in the best interests of the child.

diction pursuant to this chapter; provided, that any such agreement which includes issues of custody or visitation must be filed with a division of the probate and family court department. Such agreements, if filed with and approved by the court, in the manner described in (a), shall have the same force and effect as a judgment of the court; provided, however, that the court shall have the same power to investigate the facts regarding custody, support and visitation prior to entering an order relative to those issues as it would have if no agreement had been filed; and provided further, that an agreement regarding custody and visitation shall be approved only if the court finds it to be in the best interests of the child.

(c) Voluntary acknowledgments and agreements made pursuant to this chapter shall be acknowledged in the presence of a notary public.

(d) If the child is a recipient of public assistance, no agreement regarding support shall be approved by the court unless the department of public welfare has had an opportunity to be heard. Any such agreements shall be admissible in a proceeding under this chapter, and the court shall have the authority to order and enforce payment of any sums due under such written agreement.

Section 12. In actions under this chapter, the trial shall be by the court without a jury. In an action to establish paternity, the court may exclude the general public from the room where the trial is held and may admit only persons directly interested in the case, including officers of the court and witnesses.

Section 13. In all actions to establish paternity or in which paternity of a child is an issue, all complaints, pleadings, papers, documents, or reports filed in connection therewith, docket entries in the permanent docket and record books shall not be available for inspection, unless a judge of the court where such orders are kept, for good cause shown, shall otherwise order; provided however, that the child, his mother, the man adjudicated to be the father and the department of public welfare, when the child who is or was the subject of the complaint is a recipient of public assistance or the attorney for any of them, shall have access to and the right to obtain copies of the papers, docket books and judgments in actions pursuant to this chapter. Such complaints, reports, pleadings papers, and documents, permanent docket and record books shall be segregated. A separate permanent docket book and index shall be provided and shall likewise be segregated.

Section 14. An action to establish paternity of a child may be instituted during pregnancy of the mother but shall only be filed by the mother or her representative. In the case of any complaint brought prior to the birth of the child, no final judgment on the issue of paternity shall be made until after the birth of the child.

Section 15. During the pendency of an action under this chapter, the court may upon motion of any party, enter temporary orders to restrain interference with the personal liberty of any of the parties or the child.

The court may, in like manner, upon motion of any party or of a next friend on behalf of the child, and upon notice to the other parties, enter temporary orders providing for the support of the child or relative to the care and custody of the child or visitation rights with the child in accordance with the provisions of sections nine and ten.

All orders entered pursuant to this section shall continue in force until modified or revoked or until final judgment is granted, violations of such orders may be punished as contempt or enforced in the manner provided in section twenty.

Section 16. (a) Both the plaintiff and the defendant are competent to testify in proceedings hereunder.

(b) Upon refusal of any witness, including a party, to testify under oath and produce evidence, the court may order him or her to testify under oath and produce evidence, concerning all relevant facts. If the refusal is upon the ground that his testimony or evidence may tend to incriminate him the court may grant him immunity from all criminal liability on account of the testimony or evidence he is required to produce. An order granting immunity bars prosecution of the witness for any offense shown in whole or in part by testimony or evidence he is required to produce, except for perjury in his testimony. The refusal of a witness who has been granted immunity, to obey an order to testify or produce evidence may be punished as civil contempt of the court.

(c) In an action pursuant to this chapter, the mother and the man alleged to be the father shall be competent to testify and no privilege or disqualification created under chapter two hundred and thirty-three shall prohibit testimony by a spouse or former spouse which is otherwise competent. If the mother is or was married, both she and her husband or her former husband may testify to non-access and parentage of the child.

(d) In an action to establish paternity, testimony relating to sexual access to the mother by an unidentified man at any time or by an identified man at any time other than the probable time of conception of the child is inadmissible in evidence unless offered by the mother.

(e) In an action to establish paternity, the court may view the mother, the child, and the putative father to note any resemblance among the parties notwithstanding the absence of expert testimony.

(f) All other evidence relevant to the issue of paternity of the child, custody of a child or support of a child shall also be admissible.

Section 17. In an action to establish paternity, the court may, on the motion of any party or upon its own motion, order the mother, the child, and the putative father to submit to one or more blood or genetic marker tests, to be performed by a duly qualified physician or other such expert. The report of the results of blood grouping or genetic marker tests, including a statistical probability of the putative father's paternity based upon such tests, shall be admissible in evidence and shall be weighed along with other evidence of the putative father's paternity; provided, however, such report shall only be admissible in accordance with accepted principles of science, statistics, and equity; provided, further, that such report shall not be considered as evidence of the occurrence of intercourse between the mother and the putative father; and provided, however, that such report shall not be admissible absent sufficient evidence of intercourse between the mother and the putative father during the period of probable conception. If the report of the results of blood tests or an expert's analysis of inherited characteristics is disputed, the court may then order that an additional test be made at the same laboratory or different laboratory at the expense of the party requesting additional testing. Verified documentation of the chain of custody of blood specimens is competent evidence to establish such chain of custody. The fact that any party refuses to submit to a blood test shall be admissible. The cost of making any tests ordered pursuant to this section shall be chargeable against the party making the motion. The court in its discretion may order the costs of such testing to be apportioned among the parties provided, however, the court may not direct the department of public welfare to pay for such tests, unless said department is the moving party. Payment for the costs of such tests shall be considered a necessary expense and if any party chargeable with the costs of the blood tests is indigent as provided in section twenty-seven A of

chapter two hundred and sixty-one, the court may direct payment of such costs by the commonwealth regardless of the type of tests requested by the moving party.

Section 18. Each judgment or order of support which is issued, reviewed or modified pursuant to this chapter shall conform to and shall be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

Section 19. A judgment of support issued in conclusion of a proceeding under this chapter or a temporary support order issued under section fourteen may be enforced with one or more of the following methods:

(1) contempt in accordance with sections thirty-four and thirty-four A of chapter two hundred and fifteen;

(2) execution of the judgment;

(3) attachment of or lien against property;

(4) trustee process, in accordance with the provisions of chapter two hundred and forty-six;

(5) equitable actions to reach and apply for the enforcement of judgments; and

(6) any other civil remedy available for the enforcement of judgments or for the enforcement of support or custody orders entered under chapter two hundred and eight, two hundred and nine, and two hundred and seventy-three A.

Section 20. A court with original jurisdiction pursuant to section three has continuing jurisdiction, upon a complaint filed by a person or agency entitled to file original actions, to modify judgments of support, custody or visitation whenever a substantial change in the circumstances of the parties or the child has occurred, provided however, that no modification concerning custody or visitation shall be granted unless the court also finds it to be in the child's best interests to do so.

Section 21. Any interested party may bring an action to determine the existence of a mother and child relationship. Insofar as practicable, the provisions of this chapter applicable to establishing paternity shall apply.

Section 22. (a) A decree entered on a petition filed pursuant to chapter two hundred and ten shall be a bar to a proceeding under this chapter.

(b) A proceeding under chapter two hundred and seven, two hundred and eight, two hundred and nine, two hundred and seventy-three, or two hundred and seventy-three A shall not be a bar to any proceeding under this chapter. An

action brought under this chapter may be consolidated with an action brought under chapters two hundred and seven, two hundred and eight, two hundred and nine or two hundred and seventy-three A if both actions are pending in the same department of the trial court.

(c) If an action under chapter two hundred and seven, two hundred and eight, or two hundred and nine, is filed after the commencement of proceedings or after a judgment under this chapter, any order or judgment for support of a child issued in the annulment, divorce or separate support proceedings shall supersede any prior order or judgment for support of the same child under this chapter; and any assignment made under this chapter shall be superseded by an assignment made in the divorce, separate support, or annulment proceeding; provided, however, that nothing herein shall prevent the court in such annulment, separate support or divorce proceeding from entering an order or judgment enforcing any previous support order or judgment for support under this chapter which has not been paid, consistent with the provisions of section nine.

(d) No proceeding hereunder shall be barred by a prior finding or adjudication under any repealed sections of chapter two hundred and seventy-three or by the fact that a child was born prior to the effective date of this chapter.

Section 23. (a) If, after adjudication of paternity or voluntary acknowledgment of parentage, the parents of the child intermarry, any order or judgments of the court relative to support, custody, visitation and restraint on personal liberty shall be null and void and the court shall have no continuing jurisdiction over the parties under this chapter.

(b) If, after proceedings are commenced but before an adjudication of paternity is issued, the parents intermarry, the court may adjudicate paternity hereunder but shall have no other jurisdiction over the child or the parents under this chapter.

(c) An action under this chapter may be commenced after the intermarriage of the parents of the child only to determine paternity.

Section 24. The administrative justices of the district, Boston municipal and the probate and family court department of the trial court shall jointly promulgate forms for complaints, agreements and registrations of parentage for use under this chapter, which shall be in such form and language to permit a person to prepare and file such forms pro se.

SECTION 16A. Chapter 211B of the General Laws is hereby amended by inserting at end thereof the following section:-

Section 15. There shall be established a committee on Child Support Guidelines in compliance with Section 467 of the Social Security Act (P.L. 98-378). The committee shall be advisory to the chief administrative justice of the trial court and shall consist of fifteen members, seven of whom shall be appointed by the chief administrative justice of the trial court, six of whom shall be appointed by the governor, at least five of whom served on the governor's commission on child support established by Executive Order on January twenty-eight, nineteen hundred and eighty-five, at least one of whom shall be a custodial parent and at least one of whom shall be a non-custodial parent, the commissioner of revenue, and the chief administrative justice of the trial court who shall be chairman. The committee shall report on such guidelines no later than January first, nineteen hundred and eighty-seven and shall filed said report with the clerk of the house of representatives and the clerk of the senate. No sooner than ninety days subsequent to the filing of said report, the chief administrative justice shall promulgate such child support guidelines for use by judges and hearing officers.

In determining support orders, in developing the recommendations for its report, the committee on child support standards shall consider all relevant social, economic, and legal principles. The committee shall be guided by the following principles: to minimize the economic impact on the child of family breakup, to encourage joint parental responsibility for child support, in proportion to or as a percentage of income, to provide the standards of living the child would have enjoyed had the family been intact, to meet a child's survival needs in the first instance, but to the extent either parent enjoys a higher standard of living entitle the child to share that higher standard, to protect a subsistence level of income of parents at the low end of the income range whether or not they are on public assistance, to take into account the non-monetary contributions of the custodial and non-custodial parent, to minimize problems of proof for the parties and of administration for the courts, and to allow for orders and wage assignments that can be adjusted as income or decreases.

SECTION 17. Chapter 215 of the General Laws is hereby amended by striking out section 4, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 4. Probate courts shall have exclusive original jurisdiction of actions by married women relative to their separate estate, of actions rela-

tive to the care, custody, education and maintenance of minor children provided for by sections thirty and thirty-seven of chapter two hundred and nine, and of actions relative to paternity, support, and custody of minor children provided for in chapter two hundred and nine C and shall have jurisdiction concurrently with the district and Boston municipal court departments of actions relative to paternity or support as provided in chapter two hundred and nine C and actions for support as provided in section thirty-two F of chapter two hundred and nine.

SECTION 18. Section 34 of said chapter 215, as so appearing, is hereby amended by adding the following paragraph:-

An order or judgment in a contempt proceeding for payment of an arrearage shall not be contingent on a reduction in the amount of current support payable under an existing order or judgment for support of a spouse, former spouse or child absent a finding that a substantial change of circumstances has occurred. Neither the existence of an arrearage nor the amount of any arrearage shall constitute a substantial change of circumstances or grounds for modification of an outstanding order or judgment for support.

SECTION 19. Section 19 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- The Boston municipal and district court departments shall have original jurisdiction concurrent with the probate and family court department of actions relative to paternity and support under chapter two hundred and nine C.

SECTION 20. Section 57 of chapter 221 of the General Laws, as so appearing, is hereby amended by inserting after the word "governed", in line 1, the words:- by chapter two hundred and twenty-one B or.

SECTION 21. The General Laws are hereby further amended by inserting after chapter 221A the following chapter:-

CHAPTER 221B.

CHILD SUPPORT HEARING OFFICERS.

Section 1. The provisions of this chapter are enacted to expedite the hearing of child support cases in compliance with Section 3 of Public Law 98-378 (Section 466 of Title IV-D of the Social Security Act) and shall take effect upon receipt of notice by the IV-D agency of the disapproval, termination, revocation or denial of extension of an exemption granted to the commonwealth by the Department of Health and Human Services pursuant to applicable federal law and regulations.

Section 2. A committee of child support hearing officers shall certify as child support hearing officers members of the bar of the commonwealth who shall have practiced family law for a minimum period prescribed by the committee. Those certified shall participate in a training program prescribed by the committee, shall possess such other qualifications as the committee on child support hearing officers shall fix, and shall not be justices or clerk-magistrates of the trial court. The committee shall certify hearing officers eligibility for reappointment yearly. The performance of the hearing officer shall be subject to an annual review. Public notice of the review shall be given and members of the public may submit to the committee written comments relating to their performance. The committee shall adopt appropriate rules giving the hearing officers opportunity to respond to written comments concerning recertification. The hearing officer shall serve in the various divisions of the trial court departments, as appointed by the administrative justices of those departments and shall be removable by such administrative justices during their terms.

Section 3. The committee on child support hearing officers shall be comprised of the chief administrative justice of the trial court, the administrative justices of the probate and family court department, the district court department, and the Boston municipal court department, or their designees. The committee shall also include the following appointees of the chief administrative justice: a representative of the agency designated under Title IV, Part D of the Social Security Act, a representative of the department of public welfare if it is not the designated IV-D agency, as set forth in chapter one hundred and nineteen A, a representative of a bar association, a district attorney, a representative of an agency funded by chapter two hundred and twenty-one A, a custodial parent who is not a member of the bar and a noncustodial parent who is not a member of the bar. The terms of such appointees shall be three years; provided, however, that the first representative of a bar association, the first district attorney and the first representative of an agency funded pursuant to chapter two hundred and twenty-one A who are appointed shall serve for one year and the first custodial parent and the first noncustodial parent who are appointed shall serve for two years. Thereafter, all appointees shall serve for a term of three years, so that terms shall be staggered. The chief administrative justice shall be chairman of the committee on child support hearing officers.

Section 4. There are hereby established within the superior court department, the probate and family court department, district court department, and Boston municipal court department of the trial court procedures to expedite the hearing of all child support cases which shall include those portions of motions for temporary orders, motions or complaints for temporary modifications, agreements for modification, and complaints under chapter two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C or two hundred and seventy-three A or other proceedings involving child support, or involving spousal support when there are children eligible for child support. Child support cases shall also include those portions of motions or complaints seeking to enforce a child or spousal support order described in the previous sentence including complaints for contempt, motions for suspension of income assignment, actions to enforce income assignments of other states, and such other cases as are given to the jurisdiction of child support hearing officers by other provisions of law. Child support cases shall not include instances when the superior court or the probate and family court is to enter a judgment or decree under chapter two hundred and seven or two hundred and eight. The power of the child support hearing officers shall be limited to child support cases, as defined above, and any other issue raised in a motion or complaint shall be heard by a justice of the appropriate court in a separate proceeding.

Section 5. The child support cases heard by the child support hearing officers shall be governed by rules promulgated by the Supreme Judicial Court. Such rules shall specify that the parties shall receive adequate notice and opportunity to be heard and present relevant evidence in all proceedings. Such rules shall establish all procedures for child support cases, including initiation of actions, conduct of proceedings before the hearing officers, and approval of hearing officers' orders and judgments by justices of the trial court departments.

Section 6. Without the approval of any justice of any court, a child support hearing officer shall have the power to issue subpoenas for the appearance of witnesses; to put witnesses under oath; to call parties to proceedings and to examine parties and witnesses; to require parties to file financial statements signed under oath; to issue a capias upon the failure of a party to appear on proper notice; and to accept acknowledgments of paternity and order blood tests under chapter two hundred and nine C.

Section 7. A hearing officer shall have the power to make the following orders, notwithstanding the default of the party chargeable with support or his failure to appear personally, which shall be subject to review and approval by a justice of the court division in which he is sitting as described in this chapter: an order for support under chapter two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C or two hundred and seventy-three A; a judgment of contempt for failure to comply with an order to provide support, including an employer's failure to comply with an order for income assignment, for failure to appear in response to a summons, or for any other reason; a stipulation for support or modification agreed to by the parties; an order establishing the amount of arrears or the rate at which arrears are to be paid off; an order suspending a judgment enforcing the income assignment order of another state or making an income assignment order based on the judgment of another state; and all actions to enforce judgments and orders available to the courts, including, but not limited to, orders for attachment of or lien against property, orders to post bond and security, and judgments of trustee process; and such other powers as may be given to masters by statute or rule.

Section 7. Each order or judgment of a hearing officer described in section six shall be presented to a justice of the division in which he is sitting within twenty-four hours for review and approval. The justice shall examine the record and sign each order or judgment unless he makes written findings that the hearing officer committed an error of law, that the decision is not supported by substantial evidence, or that it constitutes an abuse of discretion.

Section 8. Within three business days of the hearing officer's decision, any party may seek reconsideration of that decision to a justice of the division in which the decision was rendered. In such cases, it shall be the burden of the party seeking reconsideration to show cause that the order of the hearing officer should not stand. The reconsideration hearing may consist of the presentation of evidence and argument to the justice, who may alter the decision of the hearing officer only on written findings. Approval of the hearing officer's decision under section seven shall not limit the right to reconsideration under this section.

Section 9. Orders or judgments of a hearing officer shall be effective immediately unless stayed by a justice. Orders or judgments of a hearing of-

ficer shall not be stayed except by a justice of the division in which it was rendered, and in the event of such a stay the justice shall make a superseding order or judgment within seven calendar days.

Section 10. After review of the hearing officer's decision in accordance with section seven or reconsideration under section eight, a party may claim an appeal to the appeals court from an order, decision, or judgment of the court. Such appeal must be claimed within thirty days of the order. The supreme judicial court shall promulgate appropriate rules governing such appeals.

SECTION 22. Chapter 273 of the General Laws is hereby amended by striking out section 1, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 1. A spouse or parent shall be guilty of a misdemeanor and shall be subject to the penalties set forth in section fifteen A if:

(1) he abandons his spouse or minor child without making reasonable provisions for the support of his spouse or minor child or both of them; or

(2) he leaves the commonwealth and goes into another state without making reasonable provisions for the support of his spouse or minor child or both of them; or

(3) he enters the commonwealth from another state without making reasonable provisions for the support of his spouse or minor child, or both of them, domiciled in another state; or

(4) wilfully and while having the financial ability and earning capacity to have complied, he fails to comply with an order or judgment for support which has been entered pursuant to chapter one hundred and nineteen, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C, two hundred and seventy-three or two hundred and seventy-three A or pursuant to similar laws of other states. No civil proceeding in any court shall be held to be a bar to a prosecution hereunder but the court shall not enter any order pursuant to section fifteen A which would directly or indirectly result in a decrease in the amount paid for current support pursuant to an order or judgment on behalf of the child or spouse to who, or on whose behalf, support is owed.

A child shall not be deemed to be neglected or lack proper physical care for the sole reason that he is being provided remedial treatment by spiritual means alone in accordance with the tenets and practice of a recognized church

or religious denomination by a duly accredited practitioner thereof. In a prosecution hereunder a decree or judgment of a probate court in a proceeding in which the defendant or spouse appeared or was personally served with process, establishing the right of his spouse to live apart or the freedom of such spouse to convey and deal with property, or the right to the custody of the children, shall be admissible and shall be prima facie evidence of such right.

SECTION 23. Sections four and five of said chapter two hundred and seventy-three are hereby repealed.

SECTION 24. Said chapter 273 is hereby further amended by striking out section 6, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 6. The court shall also have the power to release the defendant from custody on probation for a period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court may order and approve. The condition of the recognizance shall be such that if the defendant shall make his personal appearance in court whenever ordered to do so, and shall further comply with the terms of any currently enforceable judgment or order for support entered pursuant to any civil action, including an action for annulment, divorce, separate support, or paternity and support, under chapters two hundred and seven, two hundred and eight, two hundred and nine or two hundred and nine C, then such recognizance shall be void, otherwise of full force and effect. An order or judgment for support entered against the defendant in any such civil proceeding shall be deemed to be currently enforceable if the defendant is currently able to comply with said order or judgment and it is or would be enforceable pursuant to an action for contempt or otherwise as provided under said chapter in case of forfeiture of recognizance, and enforcement therefor by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part, to the spouse or parent of the child or to the person entitled to receive support.

SECTION 25. Sections twelve, twelve A, thirteen and fourteen of said chapter two hundred and seventy-three are hereby repealed.

SECTION 26. Said chapter 273 is hereby further amended by striking out section 15, as appearing in the 1984 Official Edition, and inserting in place thereof the following two sections:-

Section 15. A parent of a minor child born out of wedlock whether or not the child was born in the commonwealth who wilfully neglects or refuses to contribute reasonably to the support of the child or who leaves the commonwealth and goes into another state without making reasonable provision for the support of the child, or who enters the commonwealth from another state without making reasonable provision for the support of the child domiciled in another state, or who, wilfully and while having the financial ability and earning capacity to have complied, fails to comply with an order or judgment for support which has been entered pursuant to chapter one hundred and nineteen, two hundred and seven, two hundred and nine C, two hundred and seventy-three or two hundred and seventy-three A or pursuant to similar laws of other states, shall be guilty of a misdemeanor and shall be subject to the penalties provided under section fifteen A. No civil proceeding in any court shall be held to be a bar to the prosecution hereunder but the court shall not enter any order pursuant to section fifteen A which would directly or indirectly result in a decrease in the amount paid for current support pursuant to an order or judgment on behalf of the child to whom, or on whose behalf, support is owed.

If there has been a voluntary acknowledgment of parentage or an adjudication of paternity under chapter two hundred and nine C or under any provision of this chapter in effect immediately prior to the effective date of this section or other law in this or any other jurisdiction, such acknowledgment or adjudication shall be conclusive on all persons in proceedings under this section. If there has been no adjudication or acknowledgment of paternity, proceedings under this section shall be stayed pending the conclusion of an action to establish paternity under chapter two hundred and nine C, which shall be commenced forthwith.

Section 15A. (1) The penalty for violation of sections one and fifteen of this chapter shall be by fine or by imprisonment as specified below.

(2) A person who abandons his spouse or minor child without making reasonable provisions for the support of either or both of them who is subject to an order or judgment for support pursuant to chapters one hundred and nineteen, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C, two hundred and seventy-three, or two hundred and seventy-three A, or pursuant to similar laws of other states, who, wilfully and while having the financial ability or earning capacity to have complied,

fails to comply with that order or judgment, shall be penalized by a fine not to exceed five thousand dollars or two years imprisonment, or both.

(3) A person who leaves the commonwealth and goes into another state without making reasonable provisions for the support of a spouse or child, or who enters the commonwealth from another state without making reasonable provision for the support of a spouse or child domiciled in another state, shall be penalized by a fine not to exceed ten thousand dollars or five years imprisonment, or both.

(4) In a prosecution under this chapter, the court may, upon conviction of the defendant, provide for alternative sentencing including (a) the suspension of the sentence upon and during the compliance by the defendant with any order for the support as already made or, as thereafter modified, or (b) notwithstanding the provision of section six of chapter two hundred and seventy-nine, the imprisonment of the defendant only on designated weekends, evenings or holidays, provided, that such defendant retains employment and complies with such support orders.

(5) In a prosecution under this chapter the defendant may be ordered to make restitution to the spouse or the custodial parent or to the person or agency, including the department of public welfare, who is supporting or has supported the spouse or child for all sums expended on behalf of such spouse or child, provided that if the defendant establishes a lesser ability to have provided support, the amount of any liability imposed by this section shall be consistent with the defendant's prior ability to have paid support.

SECTION 27. Said chapter 273 is hereby further amended by striking out section 17, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 17. If the court having jurisdiction of a case under sections fifteen to eighteen, inclusive, becomes satisfied that the alleged father and the mother have married each other and the child has become or will be the legitimate child of the alleged father or that it is for the best interest of the child, the case may be dismissed and if the court certifies that it is for the best interests of the child, no further prosecution shall be maintained under any of said sections.

SECTION 28. Section 18 of said chapter 273, as so appearing, is hereby amended by striking out, in line 2, the word "twelve" and inserting in place thereof the word:- fifteen.

SECTION 29. Said chapter 273 of the General Laws is hereby amended by inserting after section 18 the following section:-

Section 18A. (a) Any order issued by a court pursuant to sections one, five, or fifteen as those sections appeared prior to the effective date of this section directing the defendant to pay certain sums periodically to the probation officer as a condition of releasing the defendant from custody on probation, shall continue in full force and effect, subject to the jurisdiction of said court and to change from time to time as circumstances may require, for a period not exceeding six years from said date. A voluntary agreement relating to the support of a spouse or child or children previously executed by the defendant may be admitted as evidence of the defendant's support obligation. If the court finds that the obligation imposed by such agreement is reasonable in the circumstance, and that the defendant has failed to comply with its terms, the court may include in any subsequent order the payment of any part or all of the arrears which accrued under such agreement if the complaint includes the period of such arrearage; provided, however, that when such agreement is executed with the department of public welfare or with any official of the court, such agreement shall not be enforceable unless the defendant was informed in writing at the time he executed the agreement that the failure to comply with the support order would result in the commencement of criminal nonsupport proceedings under this chapter against him. The probation officer subject to the direction of the court, shall pay over payments received by him to the IV-D agency, as set forth in chapter one hundred and nineteen A, which shall in turn make payments to the spouse or guardian or custodian of the child, or to the city, town, corporation, society or person supporting the spouse or child, or to the state treasurer for the use of the department of social services when the payments are for the support of a child committed to it. If the court is satisfied by due proof under oath that at any time the defendant has violated the terms of the order for payments, it may proceed to try the defendant upon the original charge, or sentence him under the original plea or conviction, or enforce the suspended sentence, as the case may be.

(b) When the court reviews or modifies an order for support on behalf of a spouse or child, and such spouse or child is not covered by a private group health insurance plan, said court shall determine whether the obligor under such order has health insurance on a group plan available to him through an

employer or organization that may be extended to cover the spouse or child for whom support is ordered. When said court has determined that the obligor has such insurance, said court shall include in the support order a requirement that the obligor exercise the option of additional coverage in favor of such spouse or child.

(c) Each order for support reviewed, modified, or otherwise brought before the court pursuant to this section shall be amended so as to conform to and shall thereafter be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

SECTION 30. Chapter 273A of the General Laws is hereby amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

Section 10. When the commonwealth is a responding state, and the court finds a duty of support, it may order the respondent to furnish support or reimbursement therefor in a reasonable amount, and subject the property of the respondent to such order. All other courts of the commonwealth shall likewise enforce the order and upon doing so shall inform the court first making the order.

When the court makes an order for support on behalf of a spouse or child, and such spouse or child is not covered by a private group health insurance plan, said court shall determine whether the obligor under such order has health insurance on a group plan available to him through an employer or organization that may be extended to cover the spouse or child for whom support is ordered. When said court has determined that the obligor has such insurance, said court shall include in the support order a requirement that the obligor exercise the option of additional coverage in favor of such spouse or child.

Each judgment or order of support which is issued, reviewed or modified pursuant to this chapter shall conform to and shall be enforced in accordance with the provisions of section twelve of chapter one hundred and nineteen A.

Any judgment or order for income assignment issuing from a court or agency of competent jurisdiction of any other state, which has a law providing for the assignment of wages, which satisfies the requirements of federal law, shall have the same force and effect as if the income assignment judgment or order originated from a court of the commonwealth. When any such judgment or order is transmitted to the IV-D Agency as set forth in chapter one hundred and nineteen A, said agency shall file the judgment or order with the

clerk-magistrate of the district or municipal court for the district in which the obligor resides and shall obtain and notify the obligor of a hearing date. The filing of the foreign state's judgment or order shall not confer jurisdiction on the courts of the commonwealth for any purpose other than ordering income assignment. If at the hearing, whether or not the obligor appears personally, the court or hearing officer finds that the income assignment judgment or order was entered by a court or agency of competent jurisdiction and was not obtained by fraud and that the conditions enumerated in paragraph (1), (2), or (3) of subsection (c) of section twelve of said chapter one hundred and nineteen A exist or existed at the time notice was given or at any time thereafter, the court or hearing officer shall order income assignment without otherwise altering the foreign state's judgment or order. The provisions of said subsection (c) concerning the transfer of assignments to subsequent and new employers, and the provisions of subsections (f), (g), (h) and (i) of said section twelve shall apply to such orders.

SECTION 31. Section 85A of chapter 276 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Consistent with these and other duties, a probation officer shall assist the IV-D agency, as set forth in chapter one hundred and nineteen A, to enforce child support orders pursuant to said chapter eighteen C.

SECTION 32. All employees of the child support enforcement unit within the department of public welfare are hereby transferred to the employ of the division of child support enforcement within the department of revenue. Any collective bargaining agents which represented such employees prior to the effective date of such transfer shall continue to represent such employees until such bargaining agent shall be changed by such employees in accordance with chapter one hundred and fifty E of the General Laws. All employees so transferred shall also remain in the same collective bargaining unit, subject to said chapter one hundred and fifty E. Any collective bargaining agreements in effect prior to the effective date of this act shall remain in effect until they expire under their own terms.

All employees of said unit transferred to the employ of the department of revenue by this act, who, immediately prior to the effective date of this act, hold positions related to the exercise of such powers or the performance of such duties and either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions

by reason of section nine A of chapter thirty of the General Laws shall be transferred to the employ of said department without impairment of civil service status, seniority, retirement or other rights of the employee and without interruption of service within the meaning of said chapter thirty-one or said section nine A and without reduction in compensation or salary grade notwithstanding any change in title or duties resulting from such transfer, subject to the provisions of said chapter thirty-one and the rules and regulations adopted thereunder.

All such employees who, immediately prior to said effective date, hold positions related to the exercise of such powers or the performance of such duties but neither hold permanent appointments in such positions nor have such tenure, are so transferred without impairment of seniority, retirement and other rights of the employee, and without the interruption of service within the meaning of said section nine A of chapter thirty of the General Laws and without reduction in compensation of salary grade, notwithstanding any change in title or duties resulting from such transfer.

Nothing in this section shall be construed to confer upon any employee any right not held immediately prior to the effective date of this act or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited prior to said effective date.

The status of the incumbent of any office or position placed within the classified civil service by this act shall be determined pursuant to the provisions of section fifty-six of said chapter thirty-one.

All books, papers, records, documents, equipment, and other property, which, immediately prior to the effective date of this act, are in the custody of said unit shall be transferred to the custody of said division. All duly existing contracts, leases, agreements, and obligations of said unit in force immediately prior to the effective date of this act shall thereafter be performed by said division. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act. All monies heretofore appropriated for said unit remaining unexpended on the effective date of this act shall be available for expenditure by said division for the purposes for which funds were originally appropriated.

All powers, duties and other statutory provisions which prior to the effective date of this act were assigned to, or executed by said unit shall con-

tinue to be exercised and performed by, and to be assigned to, said division.

All assignments of support, voluntary acknowledgments of paternity, support agreements, and other duly executed agreements by obligors and obligees with the department of public welfare in effect prior to the effective date of this section shall remain in effect, provided however, that the rights and obligations of the department of public welfare under such assignments, acknowledgments, and agreements shall be transferred to the department of revenue.

SECTION 33. Support orders issued prior to the effective date of this act pursuant to chapter two hundred and seven of the General Laws, chapter two hundred and eight of the General Laws, chapter two hundred and nine of the General Laws, and chapter two hundred and seventy-three of the General Laws, as in effect prior to the effective date of this act, shall remain in effect until modified in accordance with the provisions of this act, notwithstanding any provision of this act to the contrary. Obligors with such support orders in effect prior to the effective date of this act shall be sent the notice required by subpart (h) of section twelve of chapter one hundred and nineteen A of the General Laws, as added by this act, within twelve months of the effective date of this act.

SECTION 34. Notwithstanding the provisions to the contrary of section one of chapter one hundred and nineteen A of the General Laws, as added by section ten B of this act, the department of public welfare shall serve as the IV-D agency, as set forth in said chapter one hundred and nineteen and nineteen A until June thirtieth, nineteen hundred and eighty-seven.

SECTION 35. Sections one and thirty-two of this act shall take effect as of July first, nineteen hundred and eighty-seven and all other sections of this act shall take effect upon passage.

SECTION 36. The provisions of this act are severable and if any of its provisions shall be held unconstitutional, void or unenforceable by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions.

H 5610

House of Representatives, July 9, 1986.

Preamble adopted, George Lemieux, Speaker.

In Senate, July 9, 1986.

Preamble adopted, William M. Bulger, President.

House of Representatives, July 9, 1986.

Bill passed to be enacted, Robert L. Lonergan, Acting Speaker.

In Senate, July 10, 1986.

Bill passed to be enacted, William M. Bulger, President.

July 22, 1986.

Approved,

at One o'clock and 15 minutes, P. M.

Governor.

USAGE OF LAND IN THE CITY OF CAMBRIDGE

H. 6108 PETITION

Of Saundra Graham, Robert W. Healy (city manager), and others (with the approval of the mayor and city council) that the city of Cambridge be authorized to develop a certain parcel of land in said city.

07/01/86	H.	Referred to the committee on LOCAL AFFAIRS -HJ 1206
07/02/86	S.	Senate concurred -SJ 988
	P.	Hearing date Jul 15 am
07/21/86	H.	Bill reported favorably by committee
07/21/86	H.	Rules suspended
07/21/86	H.	Read second and ordered to a third reading -HJ 1355
11/17/86	H.	Read third
11/17/86	H.	Bills in the Third Reading new draft substituted, see H6475 -HJ 1697

H. 6475 Bill authorizing the city of Cambridge to use a certain parcel of land for housing purposes.

11/17/86	H.	Reported from the committee on HOUSE BILLS IN THE THIRD READING
11/17/86	H.	New draft
11/17/86	H.	Substituted for H6108
11/17/86	H.	Passed to be engrossed -HJ 1697
11/18/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 1466
12/01/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 1542
12/02/86	S.	Read second, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 1551
12/04/86	H.	Enacted - YEAS 123, NAYS 0 [See Yea and Nay in Supplement, No. 5301 -HJ 1817
12/04/86	S.	Enacted - YEAS 34, NAYS 0
12/04/86	S.	Laid before the Governor -SJs 1607-1608
12/09/86	G.	Signed by the Governor, Chapter 595 Acts

H 6475

Chapter 595

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO USE A CERTAIN PARCEL OF LAND FOR HOUSING PURPOSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The city of Cambridge is hereby authorized to convey a certain parcel of land in said city, a portion of which was acquired for open space purposes, for the development of low and moderate income housing.

Said parcel is bounded and described as follows:

A certain parcel of land situated on the southerly side of Hayes Street in Cambridge, Massachusetts, Middlesex County and being shown as Parcel "A" on a plan entitled "Subdivision Plan of Land in Cambridge, Massachusetts, Prepared for City of Cambridge, Scale 1"=20', October 8, 1986, Cullinan Engineering Co., Inc." being bounded and described as follows:

Beginning at a point on the southerly sideline of Hayes Street. Said Point of Beginning being N 60° 10' 04" W, 155.14 feet from the Westerly sideline intersection of Howard Street.

THENCE S 29° 49' 56" W by land of N/F William and Lillian Eng a distance of 75.00 feet;

THENCE N 60° 09' 46" W by land of N/F Gertrude L. Lynch and N/F Helen Flynn a distance of 52.08 feet;

THENCE S 12° 51' 00" W by land of N/F Helen Flynn a distance of 77.00 feet to the northerly sideline of Magee Street;

THENCE N 77° 09' 00" W along the northerly sideline of Magee Street a distance of 34.00 feet;

THENCE N 12° 51' 00" E by land of N/F Everton C. and Eugenie M. Johnson a distance of 83.00 feet;

THENCE N 70° 37' 51" W by land of N/F Everton C. and Eugenie M. Johnson a distance of 0.67 feet;

THENCE N 14° 27' 52" E along a chain link fence through land of the Grantor a distance of 8.47 feet to an angle point in the chain link fence;

THENCE N 24° 19' 09" E continuing along the chain link fence through land of the Grantor a distance 71.47 feet to the southerly sideline of Hayes Street;

THENCE S 60° 10' 04" E along the southerly sideline of Hayes Street a distance of 96.12 feet to the Point of Beginning.

Said Parcel A contains 9,733 square feet as shown on the above described plan.

House of Representatives, December 4, 1986.

Passed to be enacted, George Stevenson, Speaker.

In Senate, December 4, 1986.

Passed to be enacted, William M. Bulger, President.

December 9, 1986.

Approved,

Governor.

THE APPOINTMENT OF HOWARD JONES, JR.

H. 6335 PETITION

Of Saundra Graham for legislation to authorize Howard Jones, Jr., to take a civil service examination for police officer in the city of Cambridge, notwithstanding the maximum age requirements.

03/06/86	H.	Referred to the committee on JOINT RULES -HJ 90
09/29/86	H.	Reported, rules suspended and referred to the committee on PUBLIC SERVICE -HJ 1483
10/01/86	S.	Senate concurred -SJ 1286
	P.	Hearing date Oct 8 am
10/09/86	H.	Bill reported favorably by committee and placed in the Orders of the Day for the next session -HJ 1570
10/14/86	H.	Read second and ordered to a third reading -HJ 1581
10/22/86	H.	Read third
01/22/86	H.	Bills in the Third Reading new draft substituted. see H6423 - 1630

H. 6423 Bill authorizing the certification for appointment of Howard Jones, Jr., as a police officer notwithstanding the maximum age requirements.

10/22/86	H.	Reported from the committee on HOUSE BILLS IN THE THIRD READING
10/22/86	H.	New draft
10/22/86	H.	Substituted for H6335
10/22/86	H.	Passed to be engrossed -HJ 1630
10/23/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 1402
12/01/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 1542
12/02/86	S.	Read second, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 1551
12/03/86	H.	Emergency preamble adopted -HJ 1793
12/03/86	S.	Emergency preamble adopted -SJ 1587
12/04/86	H.	Enacted -HJs 1805-1806
12/04/86	S.	Enacted and laid before the Governor -SJ 1596
12/16/86	G.	Signed by the Governor, Chapter 601 Acts

H 6423

Chapter 601

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF HOWARD JONES, JR. AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Howard Jones, Jr. as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The administrator of the division of personnel administration shall certify Howard Jones, Jr. for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

House of Representatives, December 3, 1986.

Preamble adopted, George Keverian, Speaker.

In Senate, December 3, 1986.

Preamble adopted, William M. Bulger, President.

House of Representatives, December 4, 1986.

Bill passed to be enacted, George Keverian, Speaker.

In Senate, December 4, 1986.

Bill passed to be enacted, William M. Bulger, President.

December 16, 1986.

Approved,

at Eleven o'clock and 57 minutes, P. M.

Governor.

THE APPOINTMENT OF BERNARD WASHINGTON

H. 6336 PETITION

Of Saundra Graham that provision be made for Bernard Washington to take a civil service examination for police officer in the city of Cambridge, notwithstanding the maximum age requirements.

03/06/86	H.	Referred to the committee on JOINT RULES -HJ 90
09/29/86	H.	Reported, rules suspended and referred to the committee on PUBLIC SERVICE -HJ 1483
10/01/86	S.	Senate concurred -SJ 1286
	P.	Hearing date Oct 8 am
10/09/86	H.	Bill reported favorably by committee and placed in the Orders of the Day for the next session -HJ 1570
10/14/86	H.	Read second and ordered to a third reading -HJ 1581
10/22/86	H.	Read third
10/22/86	H.	Bills in the Third Reading new draft substituted, see H6424 -HJ 1630

H. 6424 Bill authorizing the certification for appointment of Bernard Washington as a police officer notwithstanding the maximum age requirements.

10/22/86	H.	Reported from the committee on HOUSE BILLS IN THE THIRD READING
10/22/86	H.	New draft
10/22/86	H.	Substituted for H6336
10/22/86	H.	Passed to be engrossed -HJ 1630
10/23/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 1402
12/01/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 1542
12/02/86	S.	Read second, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 1551
12/03/86	H.	Emergency preamble adopted -HJ 1793
12/03/86	S.	Emergency preamble adopted -SJ 1587
12/04/86	H.	Enacted -HJ 1806
12/04/86	S.	Enacted and laid before the Governor -SJ 1596
12/16/86	G.	Signed by the Governor, Chapter 602 Acts

Chapter 602

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF BERNARD WASHINGTON AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Bernard Washington as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The administrator of the division of personnel administration shall certify Bernard Washington for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

House of Representatives, December 3, 1986.

Preamble adopted, George Lewiau, Speaker.

In Senate, December 3, 1986.

Preamble adopted, William M. Bulger, President.

H 6424

House of Representatives, December 4, 1986.

Bill passed to be enacted, George Lennan, Speaker.

In Senate, December 4, 1986.

Bill passed to be enacted, William M. Bulger, President.

December 16, 1986.

Approved,

at Eleven o'clock and 57 minutes, P. M.

Governor.

THE APPOINTMENT OF TYRONE ROBINSON

H. 6337 PETITION

Of Saundra graham that provision be made for Tyrone Robinson to take a civil service examination for police officer in the city of Cambridge, notwithstanding the maximum age requirements.

03/06/86	H.	Referred to the committee on JOINT RULES -HJ 90
09/29/86	H.	Reported, rules suspended and referred to the committee on PUBLIC SERVICE -HJ 1483
10/01/86	S.	Senate concurred -SJ 1286
	P.	Hearing date Oct 8 am
10/09/86	H.	Bill reported favorably by committee and placed in the Orders of the Day for the next session -HJ 1570
10/14/86	H.	Read second and ordered to a third reading -HJ 1581
10/22/86	H.	Read third
10/22/86	H.	Bills in the Third Reading new draft substituted, see H6425 -HJ1630

H. 6425 Bill authorizing the certification for appointment of Tyrone Robinson as a police officer notwithstanding the maximum age requirements.

10/22/86	H.	Reported from the committee on HOUSE BILLS IN THE THIRD READING
10/22/86	H.	New draft
10/22/86	H.	Substituted for H6337
10/22/86	H.	Passed to be engrossed -HJ 1630
10/23/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 1402
12/01/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 1542
12/02/86	S.	Read second, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 1551
12/03/86	H.	Emergency preamble afopted -HJ 1794
12/03/86	S.	Emergency preamble adopted -SJ 1587
12/04/86	H.	Enacted -HJ 1806
12/04/86	S.	Enacted and laid before the Governor -SJ 1596
12/16/86	G.	Signed by the Governor, Chapter 603 Acts

H 6425

Chapter 603

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT AUTHORIZING THE CERTIFICATION FOR APPOINTMENT OF TYRONE ROBINSON AS A POLICE OFFICER NOTWITHSTANDING THE MAXIMUM AGE REQUIREMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the certification for appointment of Tyrone Robinson as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The administrator of the division of personnel administration shall certify Tyrone Robinson for appointment as a police officer according to the grade he received in the examination for police officer held on March eighth, nineteen hundred and eighty-six, notwithstanding the fact that he had attained the maximum age for said position; provided, however, that he fulfills all other requirements for certification as such police officer.

House of Representatives, December 3, 1986.

Preamble adopted, George Keverian, Speaker.

In Senate, December 3, 1986.

Preamble adopted, William M. Bulger, President.

H 6425

House of Representatives, December 4, 1986.

Bill passed to be enacted, George Lenerian, Speaker.

In Senate, December 4, 1986.

Bill passed to be enacted, William M. Bulger, President.

December 16, 1986.

Approved,

at Eleven o'clock and 58 minutes, P. M.

Governor.

INVESTIGATIONS BY THE DEPARTMENT OF SOCIAL SERVICES

S. 697 PETITION

Of Linda J. Melconian, John P. Burke, Marin T. Reilly, Raymond A. Jordan, Jr., Joan M. Menard and Paul E. Caron for legislation relative to the investigation on child abuse.

01/01/86	S.	Referred to the committee on HUMAN SERVICES AND ELDERELY AFFAIRS
01/01/86	H.	House concurred
	P.	Hearing date Feb 20 AM
04/30/86	S.	Reported by committee
05/19/86	S.	Accompanied S645 -SJ 538

S. 645 Of Frederick E. Berry, Robert C. Buell and Frances F. Alexander for legislation to regulate the timeframe for non-emergency investigations by the Department of Social Services.

01/01/86	S.	Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
01/01/86	H.	House concurred
	P.	Hearing date Feb 20 AM
04/30/86	S.	Reported by committee
05/19/86	S.	Accompanied by S673, S674, S675, S676 and S697
05/19/86	S.	Bill reported favorably by committee as changed and referred to the committee on SENATE WAYS AND MEANS -SJ 538
06/10/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 804
06/16/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 848
06/18/86	S.	Read second, ordered to a third reading, rules suspended, read third (title changed) and passed to be engrossed -SJ 858
06/19/86	H.	Read; and referred to the committee on HOUSE WAYS AND MEANS -HJ 1103
09/29/86	H.	Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJ 1484
09/30/86	H.	Read second and ordered to a third reading -HJ 1501
10/14/86	H.	Read third and passed to be engrossed -HJ 1580
10/16/86	H.	Enacted -HJ 1602
10/16/86	S.	Enacted and laid before the Governor -SJ 1372
10/23/86	G.	Signed by the Governor, Chapter 478 Acts

S 645

Chapter 478

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT FURTHER REGULATING CERTAIN INVESTIGATIONS BY THE DEPARTMENT OF SOCIAL SERVICES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Clause (1) of section 51B of chapter 119 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- Said investigation and evaluation shall commence within two hours of initial contact and be completed within twenty-four hours if the department has reasonable cause to believe the child's health or safety is in immediate danger from further abuse and neglect. Said investigation and evaluation shall commence within two working days of initial contact and be completed within ten calendar days for all other such reports.

House of Representatives, October 16, 1986.

Passed to be enacted, George Fleeman, Speaker.

In Senate, October 16, 1986.

Passed to be enacted, William M. Bulger, President.

October 23, 1986.

Approved,

Governor.

ADOLESCENT HEALTH CARE

H. 4585 PETITION

Of Patricia G. Fiero, Susan C. Tucker, Raymond A. Jordan, Jr., and Gloria L. Fox that the Commissioner of Public Health be directed to conduct an investigation and study into health care problems faced by adolescent citizens of the Commonwealth.

01/06/86	H.	Referred to the committee on HEALTH CARE
01/06/86	S.	Senate concurred
	P.	Hearing date Feb 26 am
	P.	Hearing date Apr 7 am
04/30/86	H.	Reported by committee
05/08/86	H.	Accompanied a new draft, see H5662

H. 5662 Bill authorizing and directing the Commissioner of Public Health to study adolescent health care.

05/08/86	H.	Reported from the committee on HEALTH CARE
05/08/86	H.	New draft of H4585
05/08/86	H.	Bill reported favorably by committee and referred to the committee on JOINT RULES -HJ 693
11/17/86	H.	Committee recommended ought to pass and referred to the committee on HOUSE WAYS AND MEANS -HJ 1694
11/20/86	H.	Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJ 1720
11/24/86	H.	Read second and ordered to a third reading -HJ 1731
12/02/86	H.	Read third
12/02/86	H.	Bills in the Third Reading new draft substituted, see H6533 -HJ 1779

H. 6533 Bill establishing a coordinating council on adolescent health care.

12/02/86	H.	Reported from the committee on HOUSE BILLS IN THE THIRD READING
12/02/86	H.	New draft
12/01/86	H.	Substituted for H5662
12/02/86	H.	Passed to be engrossed -HJ 1779
12/02/86	S.	Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1564
12/05/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY
12/05/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session
12/05/86	S.	Rules suspended
12/05/86	S.	Read second, ordered to a third reading, rules suspended, read third, Bills in the Third Reading discharged, and passed to be engrossed -SJ 1617
12/11/86	H.	Enacted -HJ 1853
12/11/86	S.	Enacted and laid before the Governor -SJ 1644
12/23/86	G.	Signed by the Governor, Chapter 643 Acts

H 6533

Chapter 643

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT ESTABLISHING A COORDINATING COUNCIL ON ADOLESCENT HEALTH CARE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established a coordinating council on adolescent health care consisting of the commissioner of the department of public health, the commissioner of the department of education, the commissioner of the department of public welfare, the commissioner of the department of social services, the commissioner of the department of education, the commissioner of the department of mental health, the commissioner of the department of youth services, the director of the office for children, the secretary of the executive office of economic affairs, the secretary of the executive office of human services, or their designees and seven members to be appointed by the governor, four of whom shall be representatives of nonprofit organizations that provide advocacy or services to adolescents.

Said council is authorized to review all relevant data; compile and disseminate information on existing programs, determine met and unmet adolescent needs, provide planning and technical assistance to local and regional areas, develop model programs and service networks that would address and meet adolescent needs, encourage and support the development of community-based task forces whose objectives would be to assess and meet adolescent health needs, and promote coordination between existing services. The department of public health shall provide administrative support to the council.

Said council shall request each state agency providing services to adolescents to determine the nature, scope and impact of pre-adolescent and adolescent social, economic, educational, emotional and health care needs; assess existing resources and programs, nationally and in the commonwealth; encourage the development of new programs and resources in order to create uniform quality in service delivery; facilitate servicing at the time of need; provide consistency in maintenance and follow-up; determine program effectiveness for service delivery and meeting needs; determine social, economic, educational,

physical and psychological impact and consequence of adolescent pregnancy and parenting, including influences on welfare dependency and the cycle of poverty often generated; assess special needs, vocational education, job training, and skills development needs; evaluate and determine potential sources of private and public funding; determine the need for networks and collaboratives that would streamline and facilitate the servicing process, and access adolescents to services; provide substantial recommendations for prevention and intervention services, and the implementation of such services.

SECTION 2. The objectives of the council shall include, but not be limited to promotion of an integrated approach and positive behaviors in all areas of adolescent physical and emotional health and development; identification of high risk pre-adolescents and adolescents; promotion of positive behaviors in self-esteem, personal and social interaction and communication, and a sense of self-worth; decrease in and prevention of early pregnancy and childbearing; promotion of personal, social and economic self-sufficiency and reducing economic and welfare dependency of pregnant and parenting teenage women, and parenting teenage fathers; promotion of health care for pregnant and parenting teenagers and their children, and reduce the incidence of infant mortality, infant morbidity, and low birthweight infant births; address the health issues and needs of all adolescents; promotion of behaviors and incentives that prevent adolescents from becoming dropouts and promotion of services and support systems enabling adolescents to complete high school, or equivalency.

SECTION 3. The council shall develop model programs with a major emphasis on prevention and intervention; model programs are to be multiservice, comprehensive, and interdisciplinary and must be available to students and the school-age population who are not attending school; model programs will incorporate some or all of the following: comprehensive health education, school-based health services, school programming and curriculum development, community-based health care, development of community resources and participation by community members and leaders, family services, and life options programs.

Model programs would be proposed for statewide adoption. Flexibility for adaptation to area and community needs and resources would be a major component of the programming process.

H 6533

Collaboratives with individual communities shall be encouraged to assess community needs and resources, and to formulate an integrated, comprehensive plan to meet adolescent health needs.

House of Representatives, December 11, 1986.

Passed to be enacted, George Lewicki, Speaker.

In Senate, December 11, 1986.

Passed to be enacted, William M. Bulger, President.

December 23, 1986.

Approved,

Michael S. Dukakis, Governor.

SMALL BUSINESS

H. 1228		PETITION
		Of John E. McDonough, Gloria L. Fox, Byron Rushing, Kevin W. Fitzgerald, Eleanor Myerson and W. Paul White for legislation to provide relief to certain businesses harmed by state-sponsored transportation projects.
01/01/86	H.	Referred to the committee on TRANSPORTATION
01/01/86	S.	Senate concurred
	P.	Hearing date Mar 18 am
03/19/86	H.	Accompanied a new draft, see H5414
H. 5414		Bill establishing a program to assist small business in areas affected by transportation activities of the Massachusetts Bay Transportation Authority and the Department of Public Works.
03/19/86	H.	Reported from the committee on TRANSPORTATION
03/19/86	H.	New draft of H1228
03/19/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 167
06/02/86	H.	Accompanied by H3070
06/02/86	H.	Committee recommended ought to pass with certain amendments
06/02/86	H.	Placed in the Orders of the Day for the next session with the amendments pending -HJ 955
06/03/86	H.	Read second
06/03/86	H.	Amendments recommended by committee adopted
06/03/86	H.	Ordered to a third reading -HJ 978
06/18/86	H.	Read third and passed to be engrossed -HJ 1089
06/19/86	S.	Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 877
10/30/86	S.	Committee recommended ought to pass with an amendment, inserting in place thereof the text of S2156; and by striking out the title and inserting in place thereof a new title
10/30/86	S.	Referred to the committee on SENATE STEERING AND POLICY
10/30/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session with the recommended Ways and Means new text (S2156) pending
10/30/86	S.	Rules suspended
10/30/86	S.	Read second
10/30/86	S.	Amended by striking out all after the enacting clause and inserting in place thereof the text of S2156 (as recommended by committee)
10/30/86	S.	Title changed
10/30/86	S.	Ordered to a third reading
10/30/86	S.	Read third and passed to be engrossed -SJ 1429
11/03/86	H.	Amendments referred to the committee on HOUSE WAYS AND MEANS -HJ 1659

SMALL BUSINESS
(CON'T PAGE TWO)

12/02/86	H.	Amendments reported favorably by committee with a recommended further amendment
12/02/86	H.	Rules suspended
12/02/86	H.	House concurred in the Senate amendments with the further amendment recommended by committee (striking out all after the enacting clause and inserting in place thereof the text of House document numbered 6538) -HJ 1773
12/03/86	S.	Rules suspended
12/03/86	S.	Senate concurred in the House amendment -SJs 1586-1587
12/04/86	H.	Enacted -HJ 1816
12/04/86	S.	Enacted and laid before the Governor -SJ 1603
12/09/86	G.	Signed by the Governor, Chapter 585 Acts

H. 6538 Text of a further amendment to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2156 and by striking out the title and inserting in place thereof a new title) of the House Bill establishing a program to assist small business in areas affected by transportation activities of the Massachusetts Bay Transportation Authority and the Department of Public Works.

12/02/86	H.	Reported from the committee on HOUSE WAYS AND MEANS
12/02/86	H.	Recommended new text for H5414
12/02/86	H.	Substituted as new text for H5414 -HJ 1773

Chapter 585

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT ESTABLISHING A PROGRAM TO ASSIST CERTAIN SMALL BUSINESSES IN AREAS AFFECTED BY TRANSPORTATION ENHANCEMENT ACTIVITIES OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. It is hereby found and declared that certain activities undertaken from time to time by the Massachusetts Bay Transportation Authority, hereinafter referred to as "the authority", in order to construct, reconstruct, renovate, repair, remove, replace, or expand transportation facilities in the public interest, may provide opportunities to stabilize, develop, and revitalize the economy of the areas in which such activities are undertaken; that the stabilization, development, or revitalization of small businesses in such areas would improve the general health, safety, and welfare of such areas while also increasing the value and use of the public investment in the transportation facilities in such areas; that to achieve these benefits it may be necessary to stimulate private investment in such areas; that the stabilization, development, or revitalization of such areas may not be dealt with effectively by the ordinary operations of private enterprise without the aids provided herein; that without such aids the construction or other activities may have a significantly harmful impact on the economic stability and growth of small businesses in such areas; and that the use of public funds to stimulate private investment in such businesses and areas as provided herein is a valid public purpose.

SECTION 2. (a) There is hereby established a board to oversee a pilot program to assist businesses affected by transportation enhancements, hereinafter referred to as "the board". The board shall consist of the secretary of transportation and construction, or his designee, the secretary of economic affairs, or his designee, and the commissioner of banks and banking, or his designee. All official actions of the board must be approved by a majority of its members. The board is hereby authorized and directed to promulgate rules

or regulations pursuant to section two of chapter thirty A of the General Laws to establish standards or criteria for the designation of transportation activity affected areas pursuant to paragraph (b), under which business entities may be qualified small businesses pursuant to paragraph (c), and for the evaluation of proposals for and performance under agreements entered into pursuant to paragraph (d), or for any other purpose necessary to implement the provisions of this section.

(b) The board may designate a specific geographic area to be a "transportation activity affected area". An area may be so designated if: (1) the authority is undertaking transportation enhancement activities including the construction, reconstruction, renovation, repair, removal, replacement, or expansion of its transportation facilities within the area; (2) such activities have had or are likely to have a significantly harmful impact upon the economic stability and growth of small businesses within such area; and (3) the area meets such other standards and criteria as the board may establish.

(c) A "qualifying small business" shall mean a for profit or non-profit business entity that is located, wholly or partially, within a designated transportation activity affected area; that alone or in combination with any affiliated business entity had average gross sales of less than two million five hundred thousand dollars per year for its most recent two fiscal years and that has fewer than fifty full-time equivalent employees; that has been doing business within a transportation activity affected area for at least one year prior to the commencement of transportation enhancement activities by the authority within the designated area; that has been or is likely to be significantly harmed by the transportation enhancement activities of the authority within the transportation activity affected area; and that meets such other standards and criteria as the board may establish. For the purposes of this section, business entities shall be considered to be affiliated if they are controlled, either through ownership or management, by the same party or parties.

(d) The authority is hereby authorized to enter into agreements with banks to stimulate loans to qualifying small businesses. For the purposes of this section, banks shall be deemed to include any bank subject to taxation under section two of chapter sixty-three of the General Laws. Banks shall be selected by the authority for participation in this pilot program after a competitive bidding process which shall include public advertisement and the re-

ceipt of written bids. The actual selections shall be based upon standards and criteria that shall include the interest rate the bank will pay the authority for its deposits, the interest rate the bank will charge to participating qualifying small businesses, and such other standards and criteria as the board may establish. Such agreements shall provide that: (1) the authority shall deposit in such bank, pursuant to paragraph (f), funds which may earn no interest, below market rate interest, or market rate interest during periods when such funds are used to stimulate loans to qualifying small businesses as provided herein; (2) in consideration of such deposits such bank shall make loans to qualifying small business pursuant to paragraph (e) at interest rates below the rates such bank would otherwise charge on such loans; (3) such deposits and loans as a whole shall be structured in such a way that the total value of any reduction in interest earnings to the authority resulting from the deposit of funds at no interest or at below market rate interest, minus any extraordinary administrative costs incurred by such bank beyond the costs that would normally be incurred in making such a loan other than pursuant to this section, shall not be greater than the total value of any reduction in interest costs to qualifying small businesses resulting from the receipt of any such loan at below market rate interest; (4) if the total value of any such reduction in interest earnings, minus any such extraordinary administrative costs, exceeds the total value of any such reduction in interest costs, such excess shall be rebated to the authority; (5) such bank may secure the payment of principal and interest on any loan granted pursuant to this section by mortgage, security interest, or any other method; (6) upon the finding by the board that such bank has substantially failed to meet the conditions of the agreement, the board may rescind such agreement and shall require the rebate of any excess owed the authority at that time under clause (4) and the return of any deposits made under clause (1).

(e) Banks entering into an agreement under paragraph (d) shall make loans to qualifying small businesses pursuant to such agreement. Such businesses may use the proceeds of any such loan for the costs of renovation, modernization, expansion, maintenance, inventory purchases or related capital improvements but may not use such proceeds for any operating costs. The factors to be considered by a bank in granting a loan pursuant to this section shall include, but need not be limited to (i) the degree and severity of the impact of the transportation construction activity of the authority on the economic

stability and growth of the applicant qualifying small business and the resulting effect on the use of mass transportation facilities in such area, (ii) the degree to which the loan will assure the economic stability and growth of the applicant qualifying small business and of the designated area and will increase the value and use of mass transportation facilities in such area, (iii) the ability of the applicant qualifying small business otherwise to obtain financing at reasonable rates and upon reasonable terms, and (iv) the period of time the business has operated in the area and the period of time it has been owned by the applicant.

(f) Notwithstanding any general or special law to the contrary, the authority is hereby authorized to deposit any of its funds with banks at no interest or below market rate interest for the purposes and in the manner set forth in this section; provided, however, that no funds that were in any way made available because of a pledge of the credit of the commonwealth may be so deposited for said purposes; provided, further that in no event shall funds of the authority be used as security for loans granted pursuant to this section and no such loan shall be guaranteed by the authority. At no time shall the authority have on deposit with such banks in excess of seven million five hundred thousand dollars for said purposes.

(g) Within sixty days from the end of each calendar year after nineteen hundred and eighty-six, the authority shall submit a report relative to said pilot program that has been approved by the board to the clerks of the senate and of the house of representatives, to the house and senate committees on ways and means, to the commissioner of administration, and to the inspector general, who is hereby authorized thereafter similarly to submit his comments on such report. The report shall include, but need not be limited to: (1) a listing of any designated transportation activity affected area; (2) an accounting of any funds deposited by the authority pursuant to this section and of the value of any reduced interest earnings to the authority resulting from each deposit of authority funds at no interest or at below market rate interest; (3) an accounting of the value of any reduced interest costs to qualifying small businesses resulting from receiving loans stimulated by each such deposit at below market rate interest; (4) an accounting of any extraordinary administrative costs allowed to a bank for each deposit; and (5) an accounting of an excess rebated for each deposit to the authority pursuant to clause (4) of paragraph (d) of section two.

SECTION 3. The provisions of sections one and two shall cease to be in effect as of July first, nineteen hundred and ninety. No loans shall be made pursuant to paragraph (e) of section two after December thirty-first, nineteen hundred and eighty-nine. Nothing in this section shall be construed to prevent the collection of any outstanding principal or interest on loans made pursuant to said paragraph (e) on or before December thirty-first, nineteen hundred and eighty-nine or of any outstanding excess owed to the authority under clause (4) of paragraph (d) of section two.

House of Representatives, December 4, 1986.

Passed to be enacted, George Lenwiau, Speaker.

In Senate, December 4, 1986.

Passed to be enacted, William M. Bulger, President.

December 9, 1986.

Approved,

, Governor.

A CHRONOLOGICAL REPORT
OF
1986 LEGISLATION SIGNED INTO LAW;
SUPPORTED BY THE MBLC

SMALL ESTATES

S. 810 PETITION

Of Frederick E. Berry, David B. Cohen, Michael LoPresti, Jr., and other members of the General Court for legislation to establish a statute of limitations for discrimination and other civil rights actions.

01/01/86	S.	Referred to the committee on THE JUDICIARY
01/01/86	H.	House concurred
	P.	Hearing date Apr 1 pm*
04/30/86	S.	Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 358
05/08/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 447
05/12/86	S.	Read second, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 484
05/19/86	H.	Read; and placed in the Orders of the Day for the next session -HJ 806
05/20/86	H.	Read second and ordered to a third reading -HJ 847
06/02/86	H.	Read third (title changed) and passed to be engrossed -HJ 958
06/04/86	H.	Enacted -HJ 992
06/05/86	S.	Enacted and laid before the Governor -SJ 777
06/16/86	G.	Signed by the Governor, Chapter 94 Acts

Chapter 94.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-seven

AN ACT RELATIVE TO THE ADMINISTRATION OF SMALL ESTATES WHERE AN EXECUTOR IS NAMED IN A WILL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 16A of chapter 195 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

If an inhabitant of the commonwealth dies leaving an estate consisting entirely of personal property the total value of which may include a motor vehicle of which the decedent was the owner, and other personal property not exceeding five thousand dollars in value, and he leaves a will naming a person to be executor, the named person, if of full age and legal capacity may, after the expiration of thirty days from the death of the decedent, provided no petition for letters testamentary or letters of administration have been filed with the probate court of the county in which the decedent resided, file with said probate court upon a form prescribed by the court a statement, verified by oath, or affirmation containing: (a) the name and residential address of the affiant, (b) the name, residence and date of death of the deceased, (c) the relationship, if any, of the affiant to the deceased, (d) a schedule showing every asset of the estate known to the affiant and the estimated value of each such asset, (e) a statement that the affiant has undertaken to act as voluntary executor of the estate of the deceased and will administer the same according to law, and apply the proceeds thereof in conformity with this section, (f) the names and addresses of surviving joint owners of property with the deceased, known to the affiant, (g) the names and addresses known to the affiant of the persons who would take under the provisions of section three of chapter one hundred and ninety in the case of intestacy, and (h) the names and addresses known to the affiant of the persons who would take under the provisions of the will. The original of the will shall be filed with the above statement and if the executor resides outside the commonwealth he shall ap-

point a resident agent to represent him within the commonwealth. The oath required by this section shall not be governed by section one A of chapter two hundred and sixty-eight.

House of Representatives, May 15, 1987.

Passed to be enacted, George Keverian, Speaker.

In Senate, May 19, 1987.

Passed to be enacted, William M. Bulger, President.

May 29, 1987.

Approved,

William Weld
Governor.

ABUSED WOMEN

H. 3206 PETITION

Of Patricia G. Fiero and other members of the House for legislation to provide funding for organizations that provide services to abused women.

01/02/86	H.	Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
01/02/86	S.	Senate concurred
03/06/86	H.	Discharged to the committee on LOCAL AFFAIRS -HJ 93
03/10/86	S.	Senate concurred -SJ 107
	P.	Hearing date Apr 3 am
04/28/86	H.	Bill reported favorably by committee and placed in the Orders of the Day for the next session -HJ 483
04/29/86	H.	Read second and ordered to a third reading -HJ 530
05/12/86	H.	Read third (title changed) and passed to be engrossed -HJ 721
05/15/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 525
06/23/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 886
06/24/86	S.	Read second, ordered to a third reading, rules suspended, read third (title changed) and passed to be engrossed -SJ 916
06/26/86	H.	Enacted -HJ 1185
06/26/86	S.	Enacted and laid before the Governor -SJ 937
07/08/86	G.	Signed by the Governor, Chapter 197 Acts

H 3206

Chapter 197

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT PROVIDING FUNDS TO ESTABLISH PROGRAMS AND OTHER SERVICES FOR ABUSED WOMEN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 5 of chapter 40 of the General Laws, as amended by section 19B of chapter 231 of the acts of 1985, is hereby further amended by adding the following clause:-

(74) For the purpose of providing funds to establish programs or services for abused women or to contract with organizations which provide such services to abused women.

House of Representatives, June 26, 1986.

Passed to be enacted, George Keverian, Speaker.

In Senate, June 26, 1986.

Passed to be enacted, William M. Bulger, President.

July 8, 1986.

Approved,

Governor.

THE PROTECTION OF WILDLIFE

S. 1095 PETITION

Of Nicholas J. Costello, Robert A. Durand, Gerard A. Bertrand, Henri S. Rauschenbach, other members of the General Court and another for legislation to include wildlife under the wetlands protection act.

01/01/86	S.	Referred to the committee on NATURAL RESOURCES AND AGRICULTURE
01/01/86	H.	House concurred
	P.	Hearing date Feb 27 am*
03/13/86	S.	Accompanied a new draft, see S1179 -SJ 118

S. 1179 Bill to protect wildlife under the wetlands protection act.

03/13/86	S.	Reported from the committee on NATURAL RESOURCES AND AGRICULTURE
03/13/86	S.	New draft of S 1095
03/13/86	S.	Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 118
04/02/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 205
04/03/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 232
04/08/86	S.	Read second, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 271
04/09/86	H.	Read; and referred to the committee on HOUSE WAYS AND MEANS -HJ 330
06/23/86	H.	Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJ 1121
06/25/86	H.	Read second
06/25/86	H.	Amendments adopted
06/25/86	H.	Ordered to a third reading -HJ 1171
07/08/86	H.	Read third (title changed)
07/08/86	H.	Passed to be engrossed - YEAS 145, NAYS 1 [See Yea and Nay in Supplement, No. 345] -HJ 1264
07/08/86	S.	Rules suspended
07/08/86	S.	Senate concurred in the House amendment -SJs 1040-1041
07/09/86	H.	Enacted -HJ 1279
07/10/86	S.	Enacted and laid before the Governor -SJ 1067
07/16/86	G.	Signed by the Governor, Chapter 262 Acts

S 1179

Chapter 262

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT PROTECTING WILDLIFE UNDER THE WETLANDS PROTECTION ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 40 of chapter 131 of the General Laws, as amended by section 44 of chapter 231 of the acts of 1985, is hereby further amended by striking out the twelfth and thirteenth paragraphs and inserting in place thereof the following two paragraphs:-

If after said hearing the conservation commission, selectmen or mayor, as the case may be, determine that the area on which the proposed work is to be done is significant to public or private water supply, to the groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, to the protection of wildlife habitat or to the protection of fisheries, such conservation commission, board of selectmen or mayor shall by written order within twenty-one days of such hearing impose such conditions as will contribute to the protection of the interests described herein, and all work shall be done in accordance therewith. If the conservation commission, selectmen or mayor, as the case may be, make a determination that the proposed activity does not require the imposition of such conditions, the applicant shall be notified of such determination within twenty-one days after said hearing. Such order or notification shall be signed by the mayor or a majority of the conservation commission or board of selectmen, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department.

If a conservation commission has failed to hold a hearing within the twenty-one day period as required, or if a commission, after holding such a hearing has failed within twenty-one days therefrom to issue an order, or if a commission, upon a written request by any person to determine whether this section is applicable to any work, fails within twenty-one days to make said determination, or where an order does issue from said commission, the applicant, any person aggrieved by said commission's order or failure to act, or

any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which said land is located, may, by certified mail and within ten days from said commission's order or failure to act, request the department of environmental quality engineering to determine whether the area on which the proposed work is to be done is significant to public or private water supply, to the groundwater supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish, to the protection of wildlife habitat or to the protection of fisheries. The commissioner of environmental quality engineering or his designee also may request such a determination within said ten days. The party making any such request shall at the same time send a copy thereof by certified mail to the conservation commission, board of selectmen or mayor which conducted the hearing hereunder. If such party is other than the applicant, a copy of such request shall also be sent at the same time by certified mail to the applicant. Upon receipt of such request the department shall make the determination requested and shall by written order issued within seventy days of receipt of such request and signed by the commissioner or his designee, impose such conditions as will contribute to the protection of the interests described herein; provided, however, that said department shall notify the applicant within thirty days of the receipt of such request if his application or request is not in proper form or is lacking information or documentation necessary to make the determination. Such order shall supersede the prior order of the conservation commission, board of selectmen or mayor, and all work shall be done in accordance therewith, but in no event shall any work commence until ten days have elapsed following the issuance of said order. At any time prior to a final order of determination by the department, any party requesting a determination may in writing withdraw the request, and such withdrawal shall be effective upon receipt by the department. Notwithstanding the withdrawal, the commissioner or his designee may continue the determination if he notifies all parties within ten days of receipt of the withdrawal. A copy of such order shall be sent to the applicant, to the conservation commission, board of selectmen or mayor which conducted the hearing hereunder. As used in this section the words "wildlife habitat" shall mean those areas subject to this section which, due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food, shelter, migratory or overwintering areas, or breeding areas for wildlife.

SECTION 2. The department of environmental quality engineering shall, prior to July first, nineteen hundred and eighty-seven, and in accordance with the procedures set forth in chapter thirty A of the General Laws adopt any regulations needed to implement the provisions of this act. Said regulations shall be promulgated with the advice and assistance of a technical advisory committee to consist of eleven persons to be appointed by the commissioner of the department of environmental quality engineering two of whom shall be faculty members of colleges or universities, one with expertise in the field of wildlife biology and one with expertise in the field of wetlands science, one of whom shall be a member of the staff of the department of fisheries, wildlife and environmental law enforcement with expertise in the field of wildlife biology, one of whom shall be a member of the staff of the office of coastal zone management with expertise in the field of coastal biology, one of whom shall be a member of the staff of the department of public works, one of whom shall be a member of the Massachusetts Homebuilders Association, one of whom shall be a member of the Massachusetts Association of Conservation Commissions, one of whom shall be a member of the Massachusetts Audubon Society, one of whom shall be a member of the National Association of Industrial Office Parks, Boston Chapter and one of whom shall be a member with expertise as a general contractor. The commissioner may appoint such nonvoting associate members as he deems appropriate. Said commissioner of the department of environmental quality engineering shall be chairman.

The department of environmental quality engineering shall, sixty days prior to filing such regulations under the provisions of section five of chapter thirty A of the General Laws, file such regulations with the clerk of the house of representatives who shall forward such regulations to the joint committee on natural resources and agriculture for its review within sixty days prior to the effective date of said regulations.

SECTION 3. Section one of this act shall take effect on November first, nineteen hundred and eighty-seven and shall apply to all notices of intent filed on or after said date. Section two of this act shall become effective as of the date of enactment. The provisions of section one and section two of this act shall not apply to any project of the department of public works, which prior to the effective date of this act was (*i*) exempt from preparation of an environmental notification form in accordance with the provisions of section sixty-two E of chapter thirty of the General Laws and for which a no-

tice of intent pursuant to section forty of chapter one hundred and thirty of the General Laws is filed no later than November first, nineteen hundred and eighty-seven or (*ii*) determined by the secretary of environmental affairs after submission of an environmental notification form not to require an environmental impact report pursuant to section sixty-two A of said chapter thirty or (*iii*) the subject of a final environmental impact report which was determined by said secretary to comply with the provisions of sections sixty-two to sixty-two H, inclusive, of said chapter thirty provided that said secretary has not, prior to the date of issuance of the final order of conditions, further required preparation of a supplemental environmental impact report the scope of which includes environmental impacts of the project on wetlands.

House of Representatives, July 9, 1986.

Passed to be enacted, George Fierman, Speaker.

In Senate, July 10, 1986.

Passed to be enacted, William M. Bulger, President.

July 16, 1986.

Approved,

Michael S. Dukakis, Governor.

PROHIBITING SMOKING (JURY ROOMS)

S. 900 PETITION

Of Michael LoBresti, Jr., the Group Against Smoking Pollution of Massachusetts, by Edward L. Sweda, Jr., Stephen W. Doran, Paul D. Harold, George Bachrach, Frank M. Hynes, Steven Angelo and other members of the General Court for legislation to protect the public health by prohibiting smoking in jury rooms.

01/01/86	S.	Referred to the committee on THE JUDICIARY
01/01/86	H.	House concurred
	P.	Hearing date Mar 12 pm*
03/31/86	S.	Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 196
05/08/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 447
05/12/86	S.	Read second, amended, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 500
07/08/86	H.	Read; and placed in the Orders of the Day for the next session -HJ 1256
07/09/86	H.	Read second and ordered to a third reading -HJ 1299
07/11/86	H.	Read third (title changed) and passed to be engrossed -HJ 1337
07/15/86	H.	Enacted -HJ 1348
07/15/86	S.	Enacted and laid before the Governor -SJ 1138
07/23/86	G.	Signed by the Governor, Chapter 344 Acts

S 900

Chapter 344

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT PROHIBITING SMOKING IN JURY ROOMS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 234 of the General Laws is hereby amended by inserting after section 34B the following section:-

Section 34C. (1) As used in this section, "smoking" shall mean the lighting of any cigar, cigarette, pipe or tobacco product or having possession of any lighted cigar, cigarette, pipe or other tobacco product.

(2) No person shall smoke in any room used for any meetings or deliberations of a jury, except as otherwise provided in paragraph (3).

(3) Smoking may be permitted in such rooms if a majority of the members of such jury have given their consent to such smoking.

House of Representatives, July 15, 1986.

Passed to be enacted, George Fiumara, Speaker.

In Senate, July 15, 1986.

Passed to be enacted, Walter J. Boverini, Acting President.

July 23, 1986.

Approved,

Governor.

SCHOOL BREAKFAST LAW

S. 3 PETITION

Of Gerard D'Amico, John Patrick Houston, A. Joseph Denucci, Susan F. rourke and other members of the General Court for legislation relative to the school breakfast law.

01/01/86	S.	Referred to the committee on EDUCATION
01/01/86	H.	House concurred
02/06/86	S.	Accompanied a new draft, see S1639 -SJ 31

S. 1639 Bill relative to the school breakfast law.

02/06/86	S.	Reported from the committee on EDUCATION
02/06/86	S.	New draft of S3 and H496
02/06/86	S.	Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 31
02/13/86	S.	Committee recommended ought to pass with an amendament, substituting therefore a new draft, see S1677
02/13/86	S.	Referred to the committee on SENATE STEERING AND POLICY
02/24/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session with the recommended Ways and Means new draft (S1677) pending -SJ 70
02/25/86	S.	Read second
02/25/86	S.	Motion to postpone to March 4 negatived
02/25/86	S.	Motion to lay on the table pending and postponed to the next session -SJs 76-77
03/25/86	S.	Motion to postpone to the next session negatived
03/26/86	S.	Point of order well taken
03/26/86	S.	Recommitted (under Senate Rule 27) to the committee on SENATE WAYS AND MEANS -SJ 185
04/02/86	S.	Committee reported ought to pass with the previously recommended Ways and Means new draft, see S1677
04/02/86	S.	Referred to the committee on SENATE STEERING AND POLICY -SJ 206
04/03/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session with recommended Ways and Means new draft (S1677) pending -SJ 232
04/08/86	S.	Amendment to recommended Ways and Means new draft (S1677) pending
04/08/86	S.	Motion to postpone to the next session negatived
04/08/86	S.	Pending amendment to the recommended Ways and Means new draft (S1677) rejected - YEAS 9, NAYS 24
04/08/86	S.	New draft substituted, see S1677 -SJs 261-263

S. 1677 Bill relative to the school breakfast law.

02/13/86	S.	Reported from the committee on SENATE WAYS AND MEANS
02/13/86	S.	Recommended new draft of S1639
02/13/86	S.	Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY

SCHOOL BREAKFAST LAW
(CONTINUE PAGE TWO)

02/24/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 70
02/25/86	S.	Motion to postpone to March 4 negatived
02/25/86	S.	Motion to lay on the table pending and postponed to the next session -SJs 76-77
03/26/86	S.	Motion to postpone to the next session negatived
03/26/86	S.	Point of order well taken
03/26/86	S.	Recommittee (under Senate rule 27) to the committee on SENATE WAYS AND MEANS -SJ 185
04/02/86	S.	Committee reported ought to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 206
04/03/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 232
04/08/86	S.	Amendment pending
04/08/86	S.	Motion to postpone to the next session negatived
04/08/86	S.	Pending amendment rejected - YEAS 9, NAYS 24
04/08/86	S.	Substituted for S1639
04/08/86	S.	Ordered to a third reading
04/08/86	S.	Rules Suspended
04/08/86	S.	Read third and passed to be engrossed -SJs 261-263
04/09/86	H.	Read; and referred to the committee on HOUSE WAYS AND MEANS -HJ 330
05/01/86	H.	Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJ 571
05/05/86	H.	Read second
05/05/86	H.	Amendment adopted
05/05/86	H.	Amendment rejected - YEAS 62, NAYS 82 [See Yea and Nay in Supplement, No. 173]
05/05/86	H.	Motion to reconsider negatived - YEAS 59. NAYS 80 [See Yea and Nay in Supplement, No. 174]
05/05/86	H.	Amendment adopted
05/05/86	H.	Ordered to a third reading - YEAS 92, NAYS 48 [See Yea and Nay in Supplement, No. 175]
05/05/86	H.	Motion to reconsider pending
05/05/86	H.	Placed in the Orders of the Day for the next session -HJ 619
05/06/86	H.	Pending motion to reconsider negatived - YEAS 57, NAYS 92 [see Yea and Nay in Supplement, No. 176] -HJ 651
05/27/86	H.	Read third
05/27/86	H.	Bills in the Third Reading discharged
05/27/86	H.	Amendment rejected - YEAS 65, NAYS 81 [See Yea an Nay in Supplement, No. 227]
05/27/86	H.	Amendment adopted
05/27/86	H.	Passed to be engrossed -YEAS 86, NAYS 61 [See Yea and Nay in Supplement, No. 228] -HJ 912
07/08/86	S.	Rules suspended
07/08/86	S.	Senate concurred in the House amendment
07/08/86	S.	Rules suspended
07/08/86	S.	Senate concurred in the House amendment with a still further amendment striking out all after the enacting clause and inserting in place thereof the text of S2051 -SJ 1041

SCHOOL BREAKFAST LAW
(CONTINUE PAGE THREE)

07/10/86	H.	Amendment referred to the committee on HOUSE WAYS AND MEANS -HJ 1303
07/10/86	H.	Amendment reported favorably by committee and placed in the Orders of the Day for the next session -HJs 1303-1304
07/11/86	H.	Bills in the Third Reading discharged
07/11/86	H.	House concurred in the Senate further amendment -YEAS 77, NAYS 51 [See Yea and Nay in Supplement, No. 403] -HJ 1341
07/11/86	H.	Enacted - YEAS 68, NAYS 38 [See Yea and Nay in Supplement, No. 409]
07/11/86	H.	Motion to reconsider negatived -YEAS 26, NAYS 72 [See Yea and Nay in Supplement, No. 410] -HJ 1343
07/15/86	S.	Enacted and laid before the Governor -SJ 1138
07/23/86	G.	Signed by the Governor, Chapter 346 Acts

S 1677

Chapter 346

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT RELATIVE TO THE SCHOOL BREAKFAST LAW.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1G of chapter 15 of the General Laws is hereby amended by striking out the fourteenth paragraph and inserting in place thereof the following paragraphs:-

The board shall establish minimum nutritional standards and regulations for all school food services. The board shall require all public schools operating on a one session day to make lunches available to children. The board shall also require all public schools to make lunches available to children. Standards and regulations of the board promulgated pursuant to this paragraph shall be adopted in the following manner. A copy of such regulations and standards shall be filed by the board with the clerk of the house of representatives and of the senate who shall refer such regulations and standards to the joint committee on education of the general court for review. Within thirty days after such filing, the said committee shall hold a public hearing on the regulations and standards, shall issue a report, and file a copy thereof with the board of education. Said board shall adopt final regulations and standards making such revisions in the interim regulations and standards as it deems appropriate in view of such report and shall forthwith file a copy of the regulations and standards with chairpersons of said committee of the general court and not earlier than thirty days after the date of such filing, the board of education shall file the final regulations and standards with the state secretary and the said regulations shall thereupon take effect.

The board shall further require all public schools which draw their attendance from areas with a high number of needy children, as defined by the bureau of nutrition education and school food services in the department, to make school breakfast programs available to children, and to operate such programs in accordance with the federal laws and regulations pertaining to school breakfast programs. Such breakfast programs shall be made available to chil-

dren who do not quality for free or reduced price breakfast under federal income eligibility guidelines at a price to each such child which is not less than the cost to the school of making such breakfast available to such child. The commonwealth shall reimburse each city or town required by this paragraph to make school breakfast programs available to children who qualify for free or reduced price meals pursuant to federal income eligibility guidelines, at a uniform rate determined pursuant to the following paragraph, which rate shall provide for the payment by the commonwealth of the reasonable costs of making breakfast available to such children, reduced by the amount of revenue received by the city or town from federal reimbursements or any other source with respect to the provision of such breakfasts. The department shall make said reimbursements in accordance with the same schedule as federal reimbursements are made to the city or town with respect to such breakfast programs.

The commissioner of administration shall convene a working committee made up of his own designee, a designee of the commissioner of education and a designee of the local government advisory committee to establish guidelines for purposes of reimbursing cities and towns for the reasonable costs associated with the implementation of school breakfast programs pursuant to the preceding paragraph. Such guidelines shall be filed by the working committee with the house and senate committees on ways and means and shall become effective only upon approval by said committees. Reimbursements of costs made pursuant to such guidelines shall constitute complete satisfaction of the obligation of the commonwealth to assume such costs pursuant to any general or special law.

SECTION 1A. The house of representatives, pursuant to section twenty-seven C of chapter twenty-nine of the General Laws, shall submit written notice to the division of local mandates requesting that the division determine the total annual financial effect for a period of not less than three years of this proposed legislation.

SECTION 2. To provide for supplementing certain items in the general appropriation act and for a certain new activity and project, the sum set forth in section three for the several purposes and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and eighty-seven or for such period as may be specified, the sum so appropriated to be in addition to any amounts available for the purpose.

SECTION 3.

DEPARTMENT OF EDUCATION.

Division of School Facilities

and Related Services.

7053-1906 For the reimbursement to cities and towns for the furnishing of breakfasts to school children, provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-seven $360,000

Local Aid Fund 100.0%

SECTION 4. Nothing in this act is intended to contravene any provision in chapter five hundred and eighty of the acts of nineteen hundred and eighty relative to the state mandates on local and regional government, and for that purpose provision has been made in this act for complete satisfaction of the commonwealth's obligation to assume the reasonable costs of making breakfast available to qualifying children, reduced by the amount of revenues received from federal reimbursements or otherwise, at a uniform rate determined pursuant to the provisions of this act.

SECTION 5. Section one of this act shall take effect on September first, nineteen hundred and eighty-six or on the date thirty days after the commissioner of education certifies to the secretary of the commonwealth that the guidelines required under section one of this act have been promulgated, and approved, whichever date first occurs.

House of Representatives, July 12, 1986.

Passed to be enacted, George Keverian, Speaker.

In Senate, July 15, 1986.

Passed to be enacted, Walter J Boverini, Acting President.

July 23, 1986.

Approved,

Michael S. Dukakis, Governor.

JURISDICTION IN THE LAND COURTS

H. 2066 PETITION

Of Thomas F. Brownell and others for legislation to expand the exclusive original jurisdiction of the Land Court.

01/01/86	H.	Referred to the committee on THE JUSICIARY
01/01/86	S.	Senate concurred
	P.	Hearing date Apr 1 pm
04/30/86	H.	Reported by committee
05/29/86	H.	Accompanied by H3221
05/29/86	H.	Bill reported favorably by committee and placed in the Orders of the Day for the next session -HJ 946
06/02/86	H.	Read second and ordered to a third reading -HJ 960
06/30/86	H.	Read third (title changed) and passed to be engrossed -HJ 1193
07/01/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 963
10/01/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 1279
10/06/86	S.	Read second, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 1311
10/07/86	H.	Enacted -HJ 1549
10/08/86	S.	Enacted and laid before the Governor -SJ 1340
10/20/86	G.	Signed by the Governor, Chapter 463 Acts

H 2066

Chapter 463

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT ESTABLISHING EXCLUSIVE ORIGINAL JURISDICTION IN THE LAND COURT FOR CERTAIN ACTIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1 of chapter 185 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after paragraph (a) the following paragraph:-

(a 1/2) Complaints affecting title to registered land, with the exception of actions commenced pursuant to chapter two hundred and eight or two hundred and nine.

House of Representatives, October 7, 1986.

Passed to be enacted, George Keverian, Speaker.

In Senate, October 8, 1986.

Passed to be enacted, William M. Bulger, President.

October 20, 1986.

Approved,

Governor.

ENERGY EFFICIENCY STANDARDS

H. 512 PETITION

Of Lawrence R. Alexander, Sharon M. Pollard, Nicholas J. Costello, other members of the General Caourt and others for legislation to promote energy efficiency and energy conservation by establishing minimum energy efficiency standards for new appliances sold in the Commonwealth.

01/01/86	H.	Referred to the committee on ENERGY
01/01/86	S.	Senate concurred
	P.	Hearing date Mar 6 pm
04/09/86	H.	Accompanied a new draft, see H5520

H. 5520 Bill to promote energy efficiency and energy conservation by establishing minimum energy efficiency standards for appliances sold in the Commonwealth.

04/09/86	H.	Reported from the committee on ENERGY
04/09/86	H.	New draft of H512
04/09/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 332
05/27/86	H.	Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJs 902-903
05/28/86	H.	Read second and ordered to a third reading -HJ 927
06/30/86	H.	Read third
06/30/86	H.	Bills in the Third Reading new draft substituted, see H6106 -HJ 1197

H. 6106 Bill establishing minimum energy efficiency standards for Appliances sold in the Commonwealth.

06/30/86	H.	Reported from the committee on HOUSE BILLS IN THE THIRD READING
06/30/86	H.	New draft
06/30/86	H.	Substituted for H5520
06/30/86	H.	Passed to be engrossed - YEAS 138, NAYS 7, [See Yea and Nay in Supplement, No. 312] -HJs 1197-1198
07/01/86	S.	Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 963
10/01/86	S.	Committee recommended ought to pass with an amendment, inserting in place thereof the text of S2116
10/01/86	S.	Referred to the committee on SENATE STEERING AND POLICY
10/01/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session with the recommended Ways and Means new text (S2114) pending -SJ 1277
10/06/86	S.	Read second
10/06/86	S.	Amended by striking out all after the enacting clause and inserting in place thereof the text of S2114
10/06/86	S.	Ordered to a third reading
10/06/86	S.	Rules suspended
10/06/86	S.	Read third

ENERGY EFFICIENCY STANDARDS
(CONTINUE PAGE TWO)

10/06/86	S.	Further amendment rejected -YEAS 4, NAYS 25
10/06/86	S.	Passed to be engrossed -SJs 1317-1318
10/14/86	H.	Rules suspended
01/14/86	H.	House concurred in the Senate amendment -HJ 1576
10/14/86	H.	Emergency preamble adopted -HJ 1579
10/16/86	S.	Emergency preamble adopted -SJs 1370-1371
10/16/86	H.	Enacted -HJ 1602
10/16/86	S.	Enacted and laid before the Governor -Sj 1373
10/28/86	G.	Signed by the Governor, Chapter 489 Acts

Chapter 489

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT ESTABLISHING MINIMUM ENERGY EFFICIENCY STANDARDS FOR APPLIANCES SOLD IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to promote energy efficiency and energy conservation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 25A the following chapter:-

CHAPTER 25B.

MASSACHUSETTS APPLIANCE EFFICIENCY STANDARDS ACT.

Section 1. This chapter shall be known and may be cited as the "Massachusetts Appliance Efficiency Standards Act".

Section 2. As used in this chapter the following words shall, unless the context requires otherwise, have the following meanings:

"Fluorescent lamp ballast" or "ballast", a device designed to operate fluorescent lamps by providing a starting voltage and current, and limiting the current during normal operation, but shall not include such devices that have a dimming capability or are intended for use in ambient temperatures of zero degrees fahrenheit or less or have a power factor of less than sixty one-hundredths for a single F40T12 lamp.

"Freezer", a cabinet designed as a unit for the storage of food at temperatures of approximately zero degrees fahrenheit, having the ability to freeze food and having a source of refrigeration requiring an energy input.

"F40T12 lamp", a tubular fluorescent lamp that is a nominal forty watt lamp with a forty-eight inch tube length and one and one-half inches in diameter.

"F96T12 lamp", a tubular fluorescent lamp that is a nominal seventy-five watt lamp with a ninety-six inch tube length and one and one-half inches in diameter.

"Luminaire", a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps and to connect such lamps to the power supply.

"New appliance", an appliance that is sold, offered for sale or installed for the first time and specifically includes floor models and demonstration units.

"Refrigerator", a cabinet with one exterior door designed for the refrigerated storage of food at temperatures above thirty-two degrees fahrenheit and having a source of refrigeration requiring an energy input; refrigerator may include a compartment for the freezing and storage of food at temperatures below thirty-two degrees fahrenheit but does not provide a separate low temperature compartment designed for the freezing and long term storage of food at temperatures below eight degrees fahrenheit. A refrigerator may have interior doors on compartments.

"Refrigerator-freezer", a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above thirty-two degrees fahrenheit and with at least one of the compartments designed for the freezing and storage of foods at temperatures of eight degrees fahrenheit or below. The source of refrigeration requires energy input.

"Secretary", secretary of the executive office of energy resources.

"State plumbing code", the uniform state plumbing code, amendments and rules and regulations thereto, as promulgated by the board of state examiners of plumbers and gas fitters under the provisions of section thirteen of chapter one hundred and forty-two.

"Water heater", an automatically controlled vessel designed primarily for heating and storing water to provide hot water service for domestic or sanitary purposes.

Section 3. The provisions of this chapter shall apply to the testing, certification and enforcement of efficiency standards for the following types of new appliances sold, offered for sale or installed in the commonwealth:

(a) refrigerators, refrigerator-freezers and freezers which can be operated by alternating current electricity, excluding the following types: those designed to be used without doors; those which do not include a compressor and a condensor unit as an integral part of the cabinet assembly; refrigerators and refrigerator-freezers with total refrigerated volume exceeding thirty-nine

cubic feet; top mounted refrigerator-freezers with total refrigerated volume less than sixteen and six-tenths cubic feet; and freezers with total refrigerated volume exceeding thirty cubic feet.

(b) storage type electric, gas and oil water heaters.

(c) fluorescent ballasts for F40T12 and F96T12 lamps.

(d) luminaires with fluorescent ballasts for F40T12 and F96T12 lamps.

(e) showerheads.

The provisions of this chapter shall not apply to: new appliances manufactured in the commonwealth and sold outside the commonwealth; new appliances manufactured outside the commonwealth and sold at wholesale inside the commonwealth for final retail sale and installation outside the commonwealth; appliances installed in mobile homes at the time of construction; or appliances designed expressly for installation and use in recreational vehicles.

Section 4. No new appliance covered by section three may be sold, offered for sale or installed in the commonwealth on or after January first, nineteen hundred and eighty-eight, unless the energy efficiency of the appliance meets or exceeds the standards established pursuant to this act.

Section 5. The secretary may by regulation increase the level of the energy efficiency standards for flourescent ballasts, luminaires and showerheads. Said secretary may also by regulation increase the level of the energy efficiency standards for refrigerators, refrigerator-freezers, freezers and water heaters, provided that said standards shall not become effective until January first, nineteen hundred and ninety. Any revision of such standards shall be based upon the determination by the secretary that such efficiency levels are cost-effective to the users, as a group, of the covered appliance. Any standard revised pursuant to this section which conflicts with a corresponding standard in the state plumbing code shall take precedence over the standard in said code. Any standard revised pursuant to this section shall not take effect for at least one year after its adoption.

Section 6. The secretary shall adopt procedures for testing the energy efficiency of the appliances covered by this chapter if such procedures are not provided for in the state plumbing code. The secretary shall use United States Department of Energy approved test methods, or in the absence of such test methods, other appropriate nationally recognized test methods applicable to the respective appliances. The manufacturer shall cause the testing of samples of each model of each appliance covered by this chapter in accordance

with the test procedures adopted pursuant to this section or those specified in the state plumbing code.

Section 7. Manufacturers of appliances covered by this chapter shall certify to the secretary that such appliances are in compliance with the provisions of this chapter. The secretary shall promulgate regulations governing the certification of appliances covered by this chapter and shall publish an annual list of such appliances.

Section 8. The secretary shall cause periodic inspections to be made of distributors or retailers of new appliances in order to determine compliance with this chapter. The secretary shall cause investigations to be made of complaints received concerning violations of this chapter and shall report the results of such investigations to the attorney general. The attorney general may institute proceedings to enforce the provisions of this chapter.

Failure to comply with any of the provisions of this chapter shall constitute an unfair or deceptive act under the provisions of chapter ninety-three A. Any person who violates any provision of this chapter shall be punished by a civil penalty of not more than two hundred and fifty dollars or as provided in chapter ninety-three A, whichever is greater. Each violation of this chapter shall constitute a separate offense, and each day such violation continues shall constitute a separate offense.

Section 9. If the secretary determines that a federal statute, rule or determination would supersede any requirement of this act, or if the secretary is notified by the United States Department of Energy that a petition has been filed to supersede any requirement of this act, the secretary shall determine (a) whether there is a substantial state or local need which is sufficient to justify the state requirement at issue, (b) whether the state requirement at issue does not unduly burden interstate commerce, and (c) whether the state requirement at issue contains a more stringent energy efficiency standard than a corresponding federal standard. If the secretary determines that these criteria are met, the secretary shall promptly petition the United States Department of Energy requesting a ruling that the state requirement at issue not be superseded, or shall promptly file with the United States Department of Energy a request that the petition to supersede be denied.

Section 10. The secretary shall promulgate rules and regulations to implement the provisions of this chapter. The secretary shall file a biannual report on appliance efficiency standards with the clerk of the house of repre-

sentatives who shall forward such report to the joint committee on energy including, but not limited to, an evaluation of the effectiveness of the standards on energy efficiency and energy conservation in the commonwealth.

SECTION 2. The secretary of the executive office of energy resources shall promulgate rules and regulations for the testing and certification of appliances set forth in section one of this act on or before April first, nineteen hundred and eighty-seven.

SECTION 3. As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:

"Automatic defrost", a defrost system in which the defrosting action for all refrigerated surfaces is initiated and terminated automatically.

"Ballast efficiency factor", the ratio of the relative light output of a ballast expressed as a per cent to the rate of energy consumption expressed in watts at the test conditions specified in section six of chapter twenty-five B of the General Laws.

"Chest freezer", a freezer whose access door is at the top of the appliance.

"Fluorescent lamp ballast" or "ballast", a device designed to operate fluorescent lamps by providing a starting voltage and current, and limiting the current during normal operation, but shall not include such devices that have a dimming capability or are intended for use in ambient temperatures of zero degrees fahrenheit or less or have a power factor of less than sixty one-hundredths for a single F40T12 lamp.

"Freezer", a cabinet designed as a unit for the storage of food at temperatures of approximately zero degrees fahrenheit, having the ability to freeze food, and having a source of refrigeration requiring an energy input.

"F40T12 lamp", a tubular fluorescent lamp that is a nominal forty watt lamp, with a forty-eight inch tube length and one and one-half inches in diameter.

"F96T12 lamp", a tubular fluorescent lamp that is a nominal seventy-five watt lamp with a ninety-six inch tube length and one and one-half inches in diameter.

"Luminaire", a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps and to connect such lamps to the power supply.

"Manual defrost", a defrost system in which the defrosting action for all refrigerated surfaces is initiated manually.

"New appliance", an appliance that is sold, offered for sale or installed for the first time and specifically includes floor models and demonstration units.

"Nominal input voltage", an input voltage within plus five per cent or minus five per cent of a specified value.

"Nominal lamp watts", the wattage at which a lamp is designed to operate and for which it is therefore rated.

"Partial automatic defrost", a defrost system in which the defrosting action for the refrigerated surfaces in the refrigerator compartment is initiated and terminated automatically and the defrosting action for the refrigerated surfaces in the freezer is initiated manually.

"Refrigerator", a cabinet with one exterior door designed for the refrigerated storage of food at temperatures above thirty-two degrees fahrenheit and having a source of refrigeration requiring an energy input; refrigerator may include a compartment for the freezing and storage of food at temperatures below thirty-two degrees fahrenheit but does not provide a separate low temperature compartment designed for the freezing and long term storage of food at temperatures below eight degrees fahrenheit. A refrigerator may have interior doors on compartments.

"Refrigerator-freezer", a cabinet which consists of two or more compartments with at least one of the compartments designed for the refrigerated storage of foods at temperatures above thirty-two degrees fahrenheit and with at least one of the compartments designed for the freezing and storage of frozen foods at temperatures of eight degrees fahrenheit or below. The source of refrigeration requires energy input.

"Relative light output", the test ballast light output divided by a reference ballast light output using the same reference lamp and expressing the value as a per cent. These measurements are made at the ballast's rated primary voltage.

"Secretary", secretary of the executive office of energy resources.

"State plumbing code", the uniform state plumbing code, amendments and rules and regulations thereto, as promulgated by the board of state examiners of plumbers and gas fitters under the provisions of section thirteen of chapter one hundred and forty-two of the General Laws.

"Upright freezer", a freezer whose access door is at the front of the appliance.

"Water heater", an automatically controlled vessel designed primarily for heating and storing water to provide hot water service for domestic or sanitary purposes.

The following energy efficiency standards shall be in effect for purposes of this act until as least January first, nineteen hundred and eighty-nine. If the secretary under the provisions of section five of chapter twenty-five B of the General Laws has not established new standards, in whole or in part, the standards established in this section shall be deemed to be the standards adopted by the secretary under the provisions of said section five of said chapter twenty-five B and shall be in full force and effect as of January second, nineteen hundred and eighty-nine.

(a) Refrigerators and Freezers.

The annual energy consumption of a refrigerator, refrigerator-freezer or freezer shall not exceed the values derived from the following formulas, where EC is the maximum energy consumption allowed in kilowatt hours per year, AV is the adjusted volume which is the refrigerator volume in cubic feet plus one and sixty-three one-hundredths multiplied by the freezer volume in cubic feet, and, for freezers, V is volume in cubic feet.

Appliance	Formula
Refrigerators with manual defrost	EC = 17.3 AV + 340
Refrigerator-freezers with partial or no automatic defrost	EC = 24.7 AV + 486
Refrigerator-freezers with automatic defrost:	
Top-mounted freezer (greater than or equal to 16.6 cubic feet)	EC = 24.1 AV + 487
Side-mounted freezer	EC = 30.3 AV + 535
Bottom-mounted freezer	EC = 30.3 AV + 535
Top-mounted freezer with through-the-door ice service (greater than or equal to 16.6 cubic feet)	EC = 26.8 AV + 540
Side-mounted freezer with through-the-door ice service	EC = 33.6 AV + 594
Compact refrigerator-freezer (less than 9 cubic feet)	EC = 24.7 AV + 486
Upright freezers, including	

upright compact freezers

(3 to 10 cubic feet) with:

Manual defrost	EC = 21.4 V + 480
Automatic defrost	EC = 33.7 V + 755
Chest freezers, including chest compact freezers (3 to 10 cubic feet), and all other freezers	EC = 14.8 V + 384

(b) Water heaters.

The energy efficiency of all new electric, gas or oil water heaters shall meet or exceed the standards specified in the state plumbing code.

(c) Fluorescent lamp ballasts.

The ballast efficiency factor for all new ballasts designed for the operation of one F40T12 lamp with a nominal input voltage of either one hundred and twenty or two hundred and seventy-seven and forty total nominal lamp watts shall be at least one and eight hundred and five one-thousandths.

The ballast efficiency factor for all new ballasts designed for the operation of two F40T12 lamps with a nominal input voltage of one hundred and twenty and eighty total nominal lamp watts shall be at least one and sixty one-thousandths and for the operation of two F40T12 lamps with a nominal input voltage of two hundred and seventy-seven and eighty total nominal lamp watts shall be at least one and fifty one-thousandths.

The ballast efficiency factor for all new ballasts designed for the operation of two F96T12 lamps with a nominal input voltage of either one hundred and twenty or two hundred and seventy-seven and one hundred and fifty nominal lamp watts shall be at least five hundred and seventy one-thousandths.

(d) Showerheads.

The maximum flow rate of all new showerheads shall not exceed the values specified in the state plumbing code.

Where the standards in this section refer to the state plumbing code, such standards shall be the levels cited in said code on January first, nineteen hundred and eighty-five, or higher levels due to subsequent revisions.

House of Representatives, October 14, 1986.

Preamble adopted, Robert Connor Acting, Speaker.

In Senate, October 16, 1986.

Preamble adopted, William M. Bulger, President.

House of Representatives, October 16, 1986.

Bill passed to be enacted, George Keverian, Speaker.

In Senate, October 16, 1986.

Bill passed to be enacted, William M. Bulger, President.

October 28, 1986.

Approved,

at Two o'clock and 10 minutes, P. M.

Governor.

SAVINGS BANK LIFE INSURANCE

S. 13 PETITION

Of John A. Brennan, Jr., Louis P. Bertonazzi, Joseph B. Walsh, Edward P. Kirby, Frederick E. Berry and members of the House of Representatives for legislation relative to the powers of savings banks regarding savings bank life insurance.

01/01/86	S.	Referred to the committee on BANKS AND BANKING
01/01/86	H.	House concurred
	P.	Hearing date Mar 10 pm
06/09/86	S.	Ought NOT to pass (under Joint Rule 10) and referred to the committee on SENATE STEERING AND POLICY -SJ 781
07/10/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session
07/10/86	S.	Rules suspended
07/10/86	S.	Recommitted to the committee on BANKS AND BANKING -SJ 1076
07/11/86	S.	Reporting date extended to October 1, pending concurrence -SJs 1115-1116
07/17/86	H.	House concurred -HJ 1351
10/14/86	H.	Reporting date extended to Fri., Oct. 17, pending concurrence -HJ 1574
10/16/86	S.	Senate concurred -SJ 1370
10/20/86	S.	Ought NOT to pass (under Joint Rule 10)
10/20/86	S.	Rules suspended
10/20/86	S.	Recommitted to the committee on BANKS AND BANKING with instructions -SJ 1376
10/20/86	H.	House concurred -HJ 1606
10/20/86	H.	Reported (in part) by a new draft, see H6413
10/20/86	H.	Residue accompanied a new draft, see H6414 -HJ 1607

H. 6413 Bill relative to savings bank life insurance.

H. 6414 Bill relative to savings bank life insurance.

10/20/86	H.	Reported from the committee on BANKS AND BANKING
10/20/86	H.	New draft of the residue of S13
10/20/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1607
12/01/86	H.	Opinions required, see H6527 -HJ 1754
01/15/86	H.	Communication received relative to opinions

H. 6527 Order (filed by Mr. Finneran of Boston) relative to requesting the opinions of the Honorable the Justices of the Supreme Judicial Court on certain questions of law concerning An Act relative to savings bank life insurance (see House, No. 6414).

12/01/86	H.	Referred to the committee on HOUSE RULES
12/01/86	H.	Committee recommended ought to be adopted
12/01/86	H.	Rules suspended
12/01/86	H.	Adopted -HJ 1754

SAVINGS BANK LIFE INSURANCE
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01/15/87	H.	Communication received relative to opinions
10/20/86	H.	Reported from the committee on BANKS AND BANKING
10/20/86	H.	New draft of H473 and part of S13
10/20/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1607
11/13/86	H.	Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJ 1687
11/17/86	H.	Read second and ordered to a third reading -HJ 1703
11/24/86	H.	Read third
11/24/86	H.	Amendment adopted
11/24/86	H.	Amendment rejected -YEAS 63, NAYS 79 [See Yea and Nay in Supplement, No. 495]
11/24/86	H.	Motion to reconsider negatived -YEAS 64, NAYS 74 [See Yea and Nay in Supplement, No. 496]
11/24/86	H.	Amendment rejected - YEAS 38, NAYS 99 [See Yea and Nay in Supplement, No. 497]
11/24/86	H.	Amendment rejected -YEAS 35, NAYS 100 [See Yea and Nay in Supplement, No. 498]
11/24/86	H.	Passed to be engrossed -YEAS 131, NAYS 3 [See Yea and Nay in Supplement, No. 499]
11/24/86	H.	Motion to reconsider negatived -HJ 1733
11/26/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY
11/26/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 1509
12/01/86	S.	Read second
12/01/86	S.	Amendment rejected
12/01/86	S.	Motion to reconsider negatived
12/01/86	S.	Amendment rejected
12/01/86	S.	Amendment rejected
12/01/86	S.	Motion to lay on the table pending and postponed to the next session -SJs 1539-1540
12/02/86	S.	Pending motion to lay on the table negatived
12/02/86	S.	Ordered to a third reading
12/02/86	S.	Motion to reconsider pending and placed in the Orders of the Day for the next session -SJ 1556
12/03/86	S.	Pending motion to reconsider negatived
12/03/86	S.	Rules suspended
12/03/86	S.	Read third
12/03/86	S.	Amendment rejected
12/03/86	S.	Passed to be engrossed
12/03/86	S.	Motion to reconsider negatived -SJ 1574
12/04/86	H.	Enacted -HJ 1806
12/04/86	S.	Enacted and laid before the Governor -SJ 1596
12/08/86	G.	Signed by the Governor, Chapter 569 Acts

Chapter 569

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT RELATIVE TO SAVINGS BANK LIFE INSURANCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 8 of chapter 178 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:- Expenses of the insurance department shall be subject to the review and approval of the state actuary.

SECTION 2. Section 9 of said chapter 178, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the above limitations, all or any portion of the funds of the insurance department shall, at the discretion of the trustees of the General Insurance Guaranty Fund, established pursuant to the provisions of section nine of chapter twenty-six, be paid to the Savings Bank Life Insurance Council, established pursuant to the provisions of section thirty-two, for the purpose of making pooled investments for the benefit of such departments and in furtherance thereof, said council shall enter into and perform such arrangements relative to the custody and servicing of such investments as the said trustees deem necessary and appropriate. Such funds paid to said Savings Bank Life Insurance Council may be invested subject to the same powers and limitations applicable to investments of domestic life insurance companies under the provisions of chapter one hundred and seventy-five.

SECTION 3. Section 10 of said chapter 178, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The aggregate amount of savings bank life insurance which may be issued or in force at any time on any one life under life insurance policies issued by all savings and insurance banks shall not exceed two hundred and fifty thousand dollars, exclusive of group insurance, payor insurance, dividends and profits.

SECTION 4. Said chapter 178 is hereby further amended by inserting after section 10 the following section:-

Section 10A. Notwithstanding any other provision of law to the contrary, all employees of savings and insurance banks involved in the sale of insurance policies and annuity contracts issued by such banks shall be required to be licensed as savings bank life insurance agents subject to the provisions of sections one hundred and sixty-three and one hundred and sixty-three A of chapter one hundred and seventy-five.

SECTION 5. Said chapter 178 is hereby further amended by striking out section 12, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 12. No policy or annuity contract shall be issued except upon the life or for the benefit of a resident of the commonwealth, or of a person regularly employed therein, or of a current policyholder of a policy issued by a savings and insurance bank. If the holder of any policy or annuity issued by such a bank becomes a resident of another state or country, it shall be necessary, unless the bank otherwise provides, for such a policyholder or such an annuitant, or his duly authorized representative, or the beneficiary entitled to a claim for loss under such a policy, to make or receive payments at the bank, or by correspondence, without notice from the bank. Should a lapse occur by reason of the failure of any such person to do so seasonably, the liability of the bank, in case of a policy of insurance, shall be only for the amount of its previously acquired paid-up insurance value, or, on demand, for the stipulated cash surrender value thereof. Group policies may be issued upon the lives of depositors of one or more savings and insurance banks and their agencies provided that such depositors are residents of the commonwealth.

SECTION 6. Said chapter 178 is hereby further amended by adding the following two sections:-

Section 34. Any savings and insurance bank which converts or has converted to a federal savings bank charter and has its main office located in the commonwealth may continue to operate such insurance department in accordance with the provisions of this chapter.

Section 35. Any department of a savings and insurance bank operating under the authority of this chapter shall be subject to the provisions of chapter ninety-three A and chapter one hundred and seventy-six D of the General Laws.

SECTION 7. All employees of savings and insurance banks required to be licensed in accordance with the provisions of section ten A of chapter one hundred and seventy-eight of the General Laws, inserted by section four of this act, shall be licensed within one year of the effective date of this act; provided, however, that during said one year period, the limitations on policy and annuity amounts prescribed in section ten of said chapter one hundred and seventy-eight and in effect immediately prior to the effective date of this act shall be applicable to any policies or annuities sold by any such employee not so licensed.

House of Representatives, December 4, 1986.

Passed to be enacted, George Keverian, Speaker.

In Senate, December 4, 1986.

Passed to be enacted, William M. Bulger, President.

December 8, 1986.

Approved,

Michael S. Dukakis, Governor.

SPRINGFIELD PARKING AUTHORITY

H. 5660 PETITION

Of Anthony M. Scibelli and other members of the General Court that the Division of Capital Planning and Operations be directed to lease certain parcels of land in the city of Springfield to the Springfield Parking Authority.

04/07/86	H.	Referred to the committee on JOINT RULES -HJ 297
05/06/86	H.	Reported, rules suspended and referred to the committee on STATE ADMINISTRATION -HJ 626
05/08/86	S.	Senate concurred -SJ 458
	P.	Hearing date May 19 am
05/20/86	H.	Reporting date extended to Mon., June 30, pending concurrence -HJ 831
05/22/86	S.	Senate concurred -SJ 604
07/31/86	H.	Reporting date extended to Tue., Sept. 30, pending concurrence -HJ 1368
08/04/86	S.	Senate concurred -SJ 1162
09/23/86	H.	Accompanied a new draft, see H6281

H. 6281 Bill authorizing and directing the Division of Capital Planning and Operations to lease certain parcels of land in the city of Springfield to the Springfield Parking Authority and to grant an easement to said city.

09/23/86	H.	Reported from the committee on STATE ADMINISTRATION
09/23/86	H.	New draft of H5660
09/23/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1447
10/09/86	H.	Committee recommended ought to pass with an amendment, substituting therefore a new draft, see H6389
10/09/86	H.	Placed in the Orders of the Day for the next session with the amendment pending -HJ 1569
10/14/86	H.	Read second
10/14/86	H.	Substituted by H6389 -HJ 1581

H. 6389 Bill authorizing and directing the Division of Capital Planning and Operations to lease certain parcels of land in the city of Springfield to the Springfield Parking Authority and to grant an easement to said city.

10/09/86	H.	Reported from the committee on HOUSE WAYS AND MEANS
10/09/86	H.	Recommended new draft for H6281 -HJ 1569
10/14/86	H.	Substituted for H6281
10/14/86	H.	Ordered to a third reading -HJs 1581-1582
10/23/86	H.	Read third and passed to be engrossed -HJ 1643
10/27/86	S.	Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1424
11/26/86	S.	Committee recommended ought to pass with an amendment

SPRINGFIELD PARKING AUTHORITY
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11/26/86	S.	Referred to the committee on SENATE STEERING AN POLICY
11/26/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session with the recommended Ways and Means amendment pending -SJ 1503
12/01/86	S.	Read second, amended (as recommended by the committee on Ways and Means) and ordered to a third reading -SJs 1520-1521
12/02/86	S.	Read third and passed to be engrossed -SJ 1550
12/09/86	H.	Rules suspended
12/09/86	H.	House concurred in the Senate amendments -HJ 1844
12/11/86	H.	Enacted -HJ 1853
12/11/86	S.	Enacted and laid before the Governor -SJ 1644
12/23/86	G.	Signed by the Governor, Chapter 639 Acts

Chapter 639

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT AUTHORIZING AND DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN PARCELS OF LAND IN THE CITY OF SPRINGFIELD TO THE SPRINGFIELD PARKING AUTHORITY AND TO GRANT AN EASEMENT TO SAID CITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. If any provision of this act is contrary to any federal laws or regulations which are applicable to the land described in this act, the federal laws and regulations shall control. Notwithstanding other provisions of this act or of any other law to the contrary, the Springfield Parking Authority, a body politic and corporate and political subdivision of the commonwealth hereinafter referred to as the authority created by virtue of chapter six hundred and seventy-four of the acts of nineteen hundred and eighty-one, as amended by chapter one hundred and seventy-eight of the acts of nineteen hundred and eighty-five hereinafter referred to as the statute, shall make, without expense to the division of capital planning and operations, hereinafter referred to as the division, the department of public works of the commonwealth hereinafter referred to as the department or the commonwealth, a traffic study relative to the traffic impact of the proposed garage projects and Vernon Street extension on Interstate Route #I-91 and its connecting ways. Such study shall be given to the division and department for their use.

SECTION 2. The division, after consulting with the department, is hereby authorized, subject to the provisions of this act and of sections forty E to forty J, inclusive, of chapter seven of the General Laws which are not inconsistent with the provisions of this act, to execute and deliver in the name and on the behalf of the commonwealth a lease to the authority for the purposes only which are authorized by this act, of certain parcels of state-owned land in the city of Springfield, hereinafter referred to as the city, which are described in this section as the same may be changed pursuant to section eleven of this act, for a period of thirty years, upon such terms as may be mutually agreed upon by the division and the authority and in a form approved

by the attorney general. If the authority so requests at the end of said original term, the term of said lease may be extended for an additional term of ten years to commence immediately on the expiration of the original term. If the authority requests said lease may be renewed after said extended term for such time or times and on such terms and conditions as may be agreed to by the authority and the division after consulting with the department, but which shall be subject in each case to the approval of the general court. If the original term as it may have been extended or a renewal term, as the case may be, would otherwise have expired during such time as the authority and division are negotiating the renewal thereof or as the general court is considering such approval, the term so expiring shall be deemed to be automatically extended for a period not to exceed one year in duration from the date of expiration of the original lease term or any extension or renewal thereof and for the same lease conditions as are in effect during the last year of said lease prior to said automatic extension, and shall remain in effect while awaiting general court action during said year and, if such general court action is favorable, until the renewal lease document requiring such favorable action is executed by the division; provided, however, that said automatic extension shall expire at the end of said year if the general court has not acted or acts unfavorably on said renewal whichever sooner occurs. The parcels of land are as follows:-

PARCEL I:- The land in said Springfield hereinafter referred to as the "North Garage Parcel", which is bounded and described as follows:-

Beginning at a point of the southwesterly location line of October 20, 1965 State Highway Layout (L.O. 5520) bearing S 42°11'47" W and 159.60 feet distant from Station 91+81.64 of the main baseline of said layout and extending thence, following said location line N 42°11'47" E a distance of 98.34 feet to a point; thence by a bearing N 48°49'58" W a distance of 40.14 feet to a point; thence by a bearing of S 42°11'47" W a distance of 96.71 feet to a point; thence northwesterly by a curve to the right of 978.00 feet radius 115.95 feet to a point; thence by a bearing of N 38°32'05" W a distance of 143.56 feet to a point; thence leaving said location line and following July 6, 1966 State Highway Layout (L.O. 5585) by a bearing of N 66°58'48" W a distance of 92.38 feet to a point; thence leaving said location line and following a bearing of N 16°21'44" E a distance of 22.38 feet to a point; thence by a bearing of N 28°00'00" E, a distance of 28.01 feet to a point returning

to the location line of the October 20, 1965 State Highway Layout (L.O. 5520); thence by a bearing of N 38°32'05" W, a distance of 68.68 feet to a point; thence leaving said location line (L.O. 5520) at a bearing of N 28°00'00" E, a distance of 88.40 feet to a point; thence by a bearing of S 65°57'11" E, a distance of 177.98 feet to a point; thence southeasterly by a curve to the left of 1001.00 feet radius, a distance of 62.00 feet to a point; thence southeasterly by a curve to the right of 799.00 feet radius, a distance of 72.00 feet to a point; thence southeasterly by a curve to the right of 300.00 feet radius, a distance of 5.23 feet to a point; thence southeasterly by a curve to the right of 2615.00 feet radius, a distance of 390.91 feet to a point again on the said location line (L.O. 5520); thence by a bearing of S 26°00'00" W, a distance of 19.90 feet to a point; thence by a bearing of S 11°12'00" E, a distance of 49.00 feet to a point; thence southeasterly by a curve to the right of 137.76 feet radius, a distance of 81.48 feet to a point; thence leaving said location line (L.O. 5520) southeasterly by a curve to the right of 2615.00 feet radius, a distance of 80.63 feet to a point; thence southerly by a curve to the right of 142.00 feet radius, a distance of 106.93 feet to a point; thence southwesterly by a curve to the right of 70.00 feet radius, a distance of 56.63 feet to a point; thence by a bearing of S 44°59'14" W a distance of 155.80 feet to a point on said location line (L.O. 5520); thence by a bearing of N 49°03'37" W a distance of 189.67 feet to a point; thence by a bearing of N 67°42'48" W a distance of 62.53 feet to a point; thence by a bearing of N 49°03'37" W a distance of 223.56 feet to a point; thence northwesterly by a curve to the right of 978.00 feet radius a distance of 23.56 feet to the point of beginning.

PARCEL II:- The land in said Springfield hereinafter referred to as the "South Garage Parcel", which is bounded and described as follows:-

Beginning at a point on the southwesterly location line of the October 20, 1965 State Highway Layout (L.O. 5520) bearing S 51°00'00" W and 66.57 feet distant from Station 77+52.27 of the main base line of said layout, and extending thence following said location line by a bearing of N 36°07'46" W a distance of 203.80 feet to a point; thence northwesterly by a curve to the left of 1,044.00 feet radius 235.61 feet to a point; thence by a bearing of N 49°03'37" W a distance of 197.65 feet to a point; thence by a bearing N 26°31'56" W a distance of 67.86 feet to a point; thence by a bearing of N 49°03'37" W a distance of 100.69 feet to a point; thence leaving said loca-

tion northeasterly by a curve to the right 130.00 feet radius, a distance of 30.60 feet to a point; thence northeasterly by a curve to the left of 448.00 feet radius, a distance of 79.00 feet to a point; thence northeasterly by a curve to the left of radius 248.00 feet, a distance of 113.37 feet to a point; thence by a bearing of N 22°59'20" E, a distance of 36.00 feet to a point; thence northeasterly by a curve to the right of radius 8.00 feet, a distance of 10.22 feet to a point on the northeasterly location line of aforesaid State Highway Layout (L.O. 5520); thence by a bearing of S 48°02'36" E a distance of 41.30 feet to a point; thence southeasterly by a curve to the right of 135.05 feet radius a distance of 158.96 feet to a point; thence by a bearing of S 39°00'00" E a distance of 64.67 feet to a point; thence by a bearing of S 41°44'57" E a distance of 108.04 feet to a point; thence by a bearing of S 41°18'52" W a distance of 9.03 feet to a point; thence by a bearing of S 44°28'58" E a distance of 50.97 feet to a point; thence by a bearing of S 40°59'04" W a distance of 5.00 feet to a point; thence by a bearing of S 47°16'39" E a distance of about 16 feet to a point; thence leaving said location line and following existing edge of pavement, southwesterly about 7 feet to the face of the northeasterly wall of Ramp "Q"; thence following the face of the northeasterly wall of Ramp "Q" northwesterly about 35 feet; thence southwesterly about 29 feet to the southwesterly wall of Ramp "Q"; thence, following the face of the southwesterly wall of Ramp "Q" southeasterly about 346 feet to an existing chain link fence; thence, following the line of said fence southeasterly about 54 feet to a point again on the northeasterly location line of the aforesaid State Highway layout; thence, following said location line southeasterly to southerly by a curve of 190.00 feet radius 73.84 feet; thence, in part following said location line and in part following the line of an existing chain link fence S 14°11'53" E a total of about 107 feet; thence, following said fence line southwesterly about 90 feet and westerly and northwesterly a total of about 120 feet to the point of beginning.

SECTION 3. The lease between the division and the authority, in addition to such other provisions as they may approve, shall provide the following:-

(*a*) (1) The authority shall pay to the commonwealth in one or more installments fixed in the lease a rental for each year at the following rates:

(*i*) for each of the first five years of the term, rental at the annual rate of twenty-five thousand dollars, hereinafter referred to as the annual rate;

(*ii*) for each of the years of the term beginning with the sixth year and continuing to the expiration of the calendar year in which all original debts and interest thereon incurred by the authority for the purpose of constructing garage projects which have been approved by the division pursuant to paragraph (*b*) on the leased premises, but not for improvements or alterations of such garage projects, have been paid in full, hereinafter referred to as the debt payment year, a rental at the Annual Rate plus a percentage thereof in each of such years equal to the percentage of increase in the Annual All City National Average of the Consumer Price Index for All Urban Consumers (the "Index") published by the United States Department of Labor Bureau of Labor Statistics for the next prior calendar year over the Index for the fourth calendar year of the term but the Annual Rate shall not be reduced as a result of a reduction in said Index in any year; provided, however, that if the Index is discontinued, another nationally recognized index reflecting changes in the purchasing power of money shall be designated by the division; and

(*iii*) for each of the years of the term beginning next following the debt payment year and continuing through the end of the term of the lease as it may be extended, a rental equal to either (A) ten per cent of the gross receipts of the authority which it receives from the operation of garage projects on the leased premises or (B) a rental computed pursuant to clause (*ii*) of this subparagraph whichever is greater.

(2) Notwithstanding the provisions of subparagraph (1) of paragraph (*a*), the annual rental shall be no less than the minimum required by applicable federal laws or federal regulations.

(3) The authority and the commonwealth shall pay no real estate taxes, personal property taxes, or special or betterment assessments with respect to the leased premises, the leasehold estate, or any improvements thereon, or any taxes with respect to the use or occupation thereof or the income received therefrom.

(*b*) The authority shall be authorized to design and construct or cause to be designed and constructed by itself or by other persons on the leased premises garage projects as defined in the statute; provided however, that the plans and specifications for the same are first approved by the division in consultation with the department, by the department of public works of the city, and by the Federal Highway Administration; and copies of such approved plans and specifications shall be filed with the clerk of the house of repre-

sentatives who shall forward the same to the joint committee on state administration to be kept on file.

(*c*) The leased premises shall be used for the public parking of motor vehicles and such other activities as are incidental thereto but shall not include any separate independent commercial or industrial activities nor the dispensing or storage of any hazardous materials so classified by state or federal law or regulations except for the fuel in the fuel tanks of motor vehicles parked on the premises. Such garage projects shall be available for the parking of motor vehicles by all members of the general public on a nondiscriminatory basis each day when the garage projects are open for business on a space available basis except that spaces may be allocated and parking may be limited on the basis of transient and monthly parking and on the size of vehicles based upon a plan developed by the authority and approved by the division, a copy of which shall be filed with the clerk of the house of representatives who shall forward the same to the joint committee on state administration to be kept on file.

(*d*) The authority shall not assign the lease to any person; provided, however, at the election of the authority and the city, the rights and obligations of the authority under the lease may be assigned by it to the city and notice thereof shall be given by the city to the division; but upon any dissolution of the authority, the rights, obligations and interest of the authority under the lease shall automatically vest in the city; provided, however, that in either event, the city shall not assign the lease to any person. No management contract shall be entered into by the authority with any independent management company for the purpose of managing the operation of the garage projects on the leased premises until the management company shall have been selected from an open and competitive bid process and whose operation and fee paid to such management company shall have been approved in writing by the division; provided, however, that the authority shall not be required to select the lowest bidder but if it does not, the authority shall file with the division at the time the authority requests such approval a written statement of the reasons for its selection and for not accepting the lower bidder or bidders. In the aforesaid manner, all subsequent management companies shall be chosen for any part of the original lease and all extensions or renewals thereof. Notwithstanding the foregoing, the authority may honor its existing management agreement which pertains in part to the premises described in sec-

tion two of this act until it expires on December thirty-first, nineteen hundred and eighty-nine but shall not renew or extend said agreement except in compliance with the provisions of this paragraph.

(*e*) Upon the termination of the lease at the end of its term as the same may have been extended or renewed, or upon the earlier termination of the lease at the election of the authority which it shall have a right to do, or on default by the authority as provided in paragraph (*f*) of this section, title to all structures erected on the leased premises shall vest in the commonwealth; provided, however, that whenever the lease terminates by expiration of time or is terminated by the division because of failure of the authority to comply with the provisions of this act or of the lease, the division may by written notice, given within sixty days of the date of termination, require the authority to clear the leased premises by demolishing at the authority's expense any or all improvements erected by it on said premises.

(*f*) The lease shall not be terminated by the division or the commonwealth earlier than its termination date as the same may have been extended or renewed except: (1) upon the authority using or permitting others to use all or any part of the leasehold estate for purposes not authorized by this act; (2) upon the leasehold estate being used in a manner inconsistent with the terms of the lease; (3) upon determination by the division in consultation with the department that the area of the leasehold is needed, in whole or in part, for the abandonment, alteration horizontally or vertically or relocation of any part of or of the access ramps to the part of Interstate Route I-91 located within the leased premises, hereinafter referred to as highway purposes; or (4) upon the authority having failed to construct a garage project on the leased premises and to open the same for public parking within sixty months after the effective date of this act unless such failure is due to causes beyond the reasonable control of the authority and such failure is verified by the division. In the instances of clauses (1), (2) and (4), the division may terminate the lease upon the authority failing to cure such default within three calendar months after it receives written notice from the division specifying the default and warning that the division may terminate the lease if the same is not cured, hereinafter referred to as the warning notice, or with respect to defaults under clause (1) or (2), the division may terminate the lease forthwith by notice to the authority if there is a repetitive default by the authority of the same nature as that specified in any warning notice given

to the authority within the next prior eighteen months, and in case of such termination pursuant to clause (1), (2) or (4) the commonwealth shall not be liable for damages for such termination. In the instance of clause (3), the division may terminate the lease upon eighteen months written notice to the authority that the division has determined that the leased area shall be needed, in whole or in part, for said highway purposes. Notwithstanding any other law to the contrary, the commonwealth shall be liable in damages for such termination under clause (3) only to the extent that it shall pay for a share of the original cost of construction of, and of any addition or renovation to, the garage projects and improvements on the leased premises, with the said share being the remainder after depreciating all such costs, after deducting any state grant funds which were used to pay any part of such costs, by a rate determined by a fraction the numerator of which shall be the number of months remaining in the unexpired term of the lease and the denominator of which shall be the total number of months of the term of the lease between the month in which such improvement was made and the end of the unexpired term of the lease.

(*g*) The title to the real estate or the leasehold estate shall not be encumbered. Encumbrances of revenue received by the authority from the operation of the garage projects on the leased premises, which are voluntarily granted by the authority, excluding that amount of such revenues owed to the commonwealth by said authority as rent for said premises shall be permitted in accordance with the provisions of this act. Upon the termination of the lease all such encumbrances except those owed to the commonwealth as provided for by this act shall automatically terminate without further action or execution of documents.

(*h*) With respect to the leased premises, the authority shall have all rights conferred on it by the statute which are not inconsistent with the provisions of this act.

(*i*) Officials, employees and representatives of the commonwealth and of the Federal Highway Administration shall have a right to enter the leased premises at reasonable times for the purposes of inspecting, repairing, maintaining, replacing and altering said Interstate Route I-91, its ramps and its supporting structures, and no improvements shall be placed on the leased premises in a position or manner which shall unreasonably impede such access or work; provided however, that any improvements made in accordance with plans

and specifications approved pursuant to paragraph (*b*) shall be deemed conclusively to comply with the requirements of this paragraph.

(*j*) The authority shall not sublet all or any part of the land referred to in section two of this act unless the sublease in each case is approved by the division and by the general court.

(*k*) All revenues of the authority received from the operation of the garage projects on the leased premises as authorized by section two of this act shall be accounted for by the authority separately from the revenues received by the authority from all other garages owned or operated by said authority. The authority shall submit written reports quarterly to the division with respect to the revenues and expenses pertaining to the garage projects on the leased premises. All such revenues received from the operation of any garage located on the "North Garage Parcel" and the "South Garage Parcel", as described in section two of this act, shall be used by the authority only for the construction, alteration, repair, maintenance, demolition and improvement of the aforementioned leased premises and structures therein; for the operation, insuring and use of the said garage projects; for the payment of principal, interest and other charges and expenses incurred in loans to or bonds issued by the authority to pay for the foregoing activities with respect to the leased premises; and for such reasonable share of the general overhead and administrative expenses of the authority as is allocated to said garage projects and certified as such, in accordance with generally accepted accounting principles by an independent certified public accountant, who is retained by the authority and approved in writing by the deputy commissioner of the division; to create reasonable reserves for the foregoing purposes; and to invest or deposit any surplus revenue at interest. Such revenue shall not be used by the authority to pay for any of its debts or activities which are not related to said leased premises without the prior approval of such use in each instance by the division.

(*l*) The authority shall be required at all times during the term of the lease to carry, in such reasonable amount as is from time to time approved in writing by the division, comprehensive general liability insurance or in lieu thereof such other security as the division after consulting with the department may approve, protecting the authority, the city, division, department, commonwealth, the Federal Highway Administration and the federal government and their successors in interest against claims for injuries and death to per-

sons and damage to property occurring on or about the leased premises or within any structure or building thereon, and such fire and extended risk insurance or in lieu thereof such other security as the division after consulting with the department may from time to time reasonably deem appropriate. Each policy of insurance shall provide a waiver of rights of subrogation by the insurer in favor of the commonwealth, division, department, city, authority and federal government; provided, however, that the provisions of this paragraph shall not be deemed to be a consent by the authority, city, division, department, commonwealth, Federal Highway Administration or federal government to be sued on any such claim.

(*m*) The lease shall contain:

(1) appropriate restrictions prohibiting discrimination by the authority and by any contractors, employees or other persons dealing with the authority with respect to the leased premises on the basis of race, creed, color, sex, age, national origin, religion or handicap, and shall contain appropriate affirmative action provisions; and

(2) appropriate provisions requiring any contractor and subcontractor providing services to the authority with respect to the construction, alteration or demolition of any improvements on the leased premises to conform to any applicable labor laws of the commonwealth and requiring the contractor and each subcontractor to keep on file the wage rates, pension contributions and qualifications of all labor so employed for inspection by the authority and the division or their designees.

SECTION 4. The provisions of chapter eighty-one of the General Laws shall not apply to the lease or any assignment of the lease referred to in this act. The division after consulting with the department shall be authorized to exercise the rights granted to a person by chapter one hundred and forty-four of the acts of nineteen hundred and sixty-seven with respect to any air walks to be constructed over public ways which abut the leased premises.

SECTION 5. (*a*) The division shall file with the clerk of the house of representatives who shall forward to the joint committee on state administration and with the inspector general of the commonwealth a copy of the lease authorized by this act at least twenty business days prior to the execution thereof by the division. The inspector general shall review and file comments and any recommendations to the joint committee on state administration within fifteen business days of the receipt of such lease by the inspector general, and shall deliver a copy thereof to the division and to the authority.

(*b*) Any amendments of any such lease shall be processed and executed in the same manner and with the same effect as is hereinbefore provided for such lease.

SECTION 6. The division from time to time is hereby authorized to execute and deliver to the authority, in the name and on behalf of the commonwealth, any lease pertaining to the land referred to in section two of this act and any notices of such lease for recording or for filing with any public office, and any and all other agreements and instruments related to the lease or the leased premises authorized by this act which the division may determine appropriate from time to time. Any such lease, notice of lease, amendments or instruments, when executed by the deputy commissioner of the division shall be deemed conclusively authorized by this act; provided however, that all provisions therein are consistent with this act. Whenever the authority of the division over the leasing of land of the commonwealth is transferred to any other official, department, division, board or agency of the commonwealth, the transferee shall be vested automatically with the duties and authority conferred by this act on the division and the duties and authority conferred by this section on the deputy commissioner shall be vested automatically in the official exercising like authority in the transferee unless and to the extent the act transferring such authority otherwise provides. Neither this act nor the terms of the lease from the division to the authority shall be construed so as to prevent the division, or other appropriate agency of the commonwealth, from discontinuing, abandoning, altering or reconstructing Interstate Route I-91 or of disposing of the commonwealth's interest in the land at anytime; but no lease granted to the authority pursuant to this act shall be terminated except in the manner provided in paragraph (*f*) of section three.

SECTION 7. The division shall have a right to enter on the land described in section two of this act at reasonable times to inspect the state of construction, maintenance and repair of any structures thereon and the management of any activities conducted thereon. Annually on or before September first, the division shall file with the clerk of the house of representatives who shall forward the same to the joint committee on state administration and with the authority and the mayor of the city a report of its findings and recommendations with respect to such structures and management.

SECTION 8. Notwithstanding the provisions of any general or special law to the contrary, to provide for the costs of constructing any garage project

or improvement by the authority on the land described in section two of this act or of altering or demolishing the same, but subject to the provisions of sections seven, eight and ten of chapter forty-four of the General Laws, the city is authorized by vote of its city council and approval of its mayor to obtain and to appropriate from time to time to the authority such sums of money as the city council and mayor deem necessary. Such money may be paid to the authority as either a grant or as a loan on such terms and conditions and for such time as the city council, mayor and authority may approve.

To the extent the authority, either directly or through the city, receives any grant funds from the commonwealth for use with respect to the land described in section two of this act or any improvements thereon, the authority shall comply with all statutes and regulations applicable to the receipt and use of such funds including, without limitation, the provisions of sections 26.01 through 26.08 of chapter 801 of the Code of Massachusetts Regulations.

SECTION 9. When requested by the city, the division shall grant to the city, without the payment of consideration by said city, easements in perpetuity in, under, through and over the following parcels of real estate in said city which are hereinafter referred to as the "Vernon Street Connector Parcel" and the "East Columbus Avenue Parcel" respectively to be used by the city for all purposes for which public ways may be used and for the purposes respectively of relocating, extending and connecting Vernon Street to the Memorial Bridge and of widening East Columbus Avenue and extending Hampden Street:-

(*a*) The "Vernon Street Connector Parcel" is bounded and described as beginning at the southerly corner of the North Garage Parcel along West Columbus Avenue; thence by a bearing of N 44°59'14" E, a distance of 155.80 feet to a point; thence northeasterly by a curve to the left of 70.00 feet radius, a distance of 56.63 feet to a point; thence northwesterly by a curve to the left of 142.00 feet radius, a distance of 106.93 feet to a point; thence northwesterly by a curve to the left of 2615.00 feet radius, a distance of 80.63 feet to a point on the location line of October 20, 1965 State Highway Layout (L.O. 5520); thence continuing on said location line southeasterly by a curve to the right of 137.76 feet radius, a distance of 46.33 feet; thence by a bearing of S 48°02'36" E, a distance of 263.65 feet to a point; thence leaving said location line southwesterly by a curve to the left of 8.00 feet radius, a distance of 10.22 feet to a point; thence by a bearing of S 22°59'20" W, a

distance of 36.00 feet to a point; thence southwesterly by a curve to the right of 248.00 feet radius, a distance of 113.37 feet to a point; thence southwesterly by a curve to the right of 448.00 feet radius, a distance of 79.00 feet to a point; thence southwesterly by a curve to the left of 130.00 feet radius, a distance of 30.60 feet to a point on the location line of October 20, 1965 State High Layout (L.O. 5520); thence continuing on said location line by a bearing of N 49°03'37" W, a distance of 117.12 feet to the point of beginning.

(*b*) The "East Columbus Avenue Parcel" is bounded and described as beginning at the northwesterly corner of the North Garage Parcel along Hampden Street; thence by a bearing of N 38°31'55" W, a distance of 323.11 feet to a point; thence northwesterly by a curve to the left of 378.00 feet radius, a distance of 80.35 feet to a point; thence by a bearing of N 50°43'28" W, a distance of 35.47 feet to a point on the July 6, 1966 State Highway Layout (L.O. 5585); thence following said layout by a bearing of S 69°02'35" E, a distance of 127.07 feet to a point; thence southeasterly by a curve to the left of 1027.00 feet radius, a distance of 133.65 feet to a point; thence by a bearing of S 67°57'07" E, a distance of 76.76 feet to a point, leaving said layout (L.O. 5585) and continuing on said bearing, a distance of 208.62 feet on the October 20, 1965 State Highway Layout (L.O. 5520) to a point; thence southeasterly by a curve to the right of 970.00 feet radius, a distance of 128.73 feet to a point; thence by a bearing of S 29°39'06" W, a distance of 15.00 feet to a point; thence by a bearing of S 59°46'32" E, a distance of 19.10 feet to a point; thence by a bearing of N 30°47'15" E, a distance of 15.00 feet to a point; thence southeasterly by a curve to the right of 970.00 feet radius, a distance of 188.92 feet to a point; thence by a bearing of S 48°02'36" E, a distance of 168.47 feet to a point; thence by a bearing of S 26°00'00" W, a distance of 17.31 feet to a point; thence leaving said location line (L.O. 5520) northwesterly by a curve to the left of 2615 feet radius, a distance of 390.91 feet to a point; thence northwesterly by a curve to the left of 300.00 feet radius, a distance of 5.23 feet to a point; thence northwesterly by a curve to the left of 799.00 feet radius, a distance of 72.00 feet to a point; thence northwesterly by a curve to the right of 1001.00 feet radius, a distance of 62.00 feet to a point; thence by a bearing of N 65°57'11" W, a distance of 177.98 feet to a point; thence by a bearing of S 28°00'00" W, a distance of 88.40 feet to a point; thence by a bearing of

S 38°32'05" E, a distance of 68.68 feet to a point; thence by a bearing of S 28°00'00" W, a distance of 28.01 feet to a point; thence by a bearing of S 16°21'44" W, a distance of 22.38 feet to the point of beginning.

SECTION 10. In constructing and maintaining public ways, ramps and other improvements under, on or over the Vernon Street Connector Parcel and the East Columbus Avenue Parcel, the city shall comply with all laws of the commonwealth and of the federal government and all rules and regulations applicable to the construction of improvements under, on or over federally-funded highway rights-of-way and airspace and of the laws of this commonwealth applicable to the construction of public ways; provided, however, that notwithstanding the provisions of any general or special laws to the contrary, no approval of the extension or relocation of said Vernon street or East Columbus avenue in order to effect the connection with the Memorial Bridge shall be required of any governmental body or official other than the division, the department, the Federal Highway Administration, and the department of public works of the city, board of public works, city council and mayor of the city.

SECTION 11. If the city does not elect to request the division to grant either or both of the easements provided in section nine of this act, and the city requests the division to lease the area of such easement or easements to the authority, the division shall include said parcel as a part of the leased premises in the lease to the authority which is authorized by section two of this act, or if said lease has then been executed, in an amendment thereof.

SECTION 12. The state auditor or his designee shall have a right to audit any of the authority's financial records relating to the use of the land described in section two of this act at any time at the principal office of the authority; and the authority shall provide the division copies of the annual audit of its affairs made by an independent certified public accountant or accounting firm pursuant to section fifteen of chapter six hundred and seventy-four of the acts of nineteen hundred and eighty-one. Upon receipt of the same, the division shall annually file a copy of such audit with the state auditor, the clerk of the house of representatives who shall forward the same to the joint committee on state administration.

SECTION 13. All agencies, departments, boards, commissions, bureaus, officials and employees of the commonwealth, city and authority are authorized and directed to take such actions as may be required of them by any general or special law of the commonwealth as the same may have been modified by the pro-

visions of this act, or by any laws of the United States or regulations promulgated thereunder so as to implement the provisions of this act in an expeditious manner; and the execution by any official or employee of the commonwealth, city or authority of any document pertaining to the lease or disposition of the land described in this act or of the approval of any improvements thereon shall be conclusive on all persons of the compliance by such official or employee with all conditions precedent to the due exercise of such authority. For purposes of Federal regulations applicable to the land referred to in this act, the department is designated as the state highway department.

SECTION 14. Any litigation involving the validity or meaning of this act or of any lease or instrument executed pursuant to this act or concerning any action of the authority shall be commenced only in the superior court in the county of Hampden.

SECTION 15. This act shall take effect upon its acceptance by the city council and mayor of the city of Springfield; and upon the same occurring, the city clerk of the city shall file with the authority, the division, the clerk of the house of representatives who shall forward the same to the joint committee on state administration and the state secretary a certified copy of such acceptance.

House of Representatives, December 11, 1986.

Passed to be enacted, George Lewiscan, Speaker.

In Senate, December 11, 1986.

Passed to be enacted, William M. Bulger, President.

December 23, 1986.

Approved,

Michael S. Dukakis Governor.

BOSTON CITY HOSPITAL

H. 6369 PETITION

Of Kevin W. Fitzgerald and other members of the House (with the approval of the mayor and city council) that the city of Boston be authorized to borrow money for the renovation and replacement of major portions of Boston City Hospital.

10/07/86	H.	Referred to the committee on LOCAL AFFAIRS -HJ 1545
	P.	Hearing date Oct 14 am
10/07/86	S.	Senate concurred -SJ 1332
11/10/86	H.	Bill reported favorably by committee
11/10/86	H.	Rules suspended
11/10/86	H.	Read second and ordered to a third reading -HJ 1669
11/13/86	H.	Read third
11/13/86	H.	Referred to the committee on HOUSE WAYS AND MEANS -HJ 1689
11/24/86	H.	Committee recommended ought to pass and placed in the Orders of the Day for the next session -HJ 1726
11/25/86	H.	Considered
11/25/86	H.	Placed at the end of the Orders of the Day -HJ 1747
12/02/86	H.	Considered
12/02/86	H.	Motion to recommit to the committee on House Ways and Means negatived - YEAS 35, NAYS 100 [See Yea and Nay in Supplement, No. 520]
12/02/86	H.	Motion to postpone negatived - YEAS 41, NAYS 88 [See Yea and Nay in Supplement, No. 521]
12/02/86	H.	Passed to be engrossed - YEAS 99, NAYS 32 [See Yea and Nay in Supplement, No. 522]
12/02/86	H.	Motion to reconsider negatived -HJ 1785
12/03/86	S.	Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1568
12/05/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY
12/05/86	S.	Committee reported that the matter be placed in the Orders of the Day for the next session
12/05/86	S.	Rules suspended
12/05/86	S.	Read second, ordered to a third reading, read third and passed to be engrossed -SJ 1617
12/16/86	H.	Enacted - YEAS 134, NAYS 8 [See Yea and Nay in Supplement, No. 550]
12/16/86	H.	Motion to reconsider negatived -HJ 1867
12/16/86	S.	Enacted and laid before the Governor -SJ 1661
12/29/86	G.	Signed by the Governor, Chapter 659 Acts

H 6369

Chapter 659

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT AUTHORIZING THE CITY OF BOSTON TO BORROW MONEY FOR THE RENOVATION AND REPLACEMENT OF MAJOR PORTIONS OF BOSTON CITY HOSPITAL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For purposes of this act the following terms shall, unless the context clearly requires otherwise, have the following meanings:-

(*a*) "Bonds", any bonds, loans, notes, temporary loans, certificates of indebtedness of the city issued or incurred under section two.

(*b*) "City", the city of Boston.

(*c*) "City of Boston Bond and Minibond Procedure Act of 1983", chapter six hundred and forty-three of the acts of nineteen hundred and eighty-three.

(*d*) "Department", the department of health and hospitals of the city, established by chapter six hundred and fifty-six of the acts of nineteen hundred and sixty-five, the operations of which include the general care and control of the Hospital, Long Island Chronic Disease Hospital, Mattapan Chronic Disease Hospital, affiliated neighborhood health care centers and all other public health facilities of the city.

(*e*) "Hospital", the public acute care community facility known as Boston City Hospital.

(*f*) "Pledged Revenue Account", any account established under the authority of subsection (*c*) of section four.

(*g*) "Project", the demolition of all or a portion of the current facilities of the hospital, the construction and original equipping and furnishing of a structure as a replacement for all or a portion of the current facilities, and the renovations and additions to all or a portion of the current facilities including equipment and furnishings, the costs of all of which are as described in section six.

(*h*) "Revenue", revenue, receipts and other moneys of the city received from or on account of the exercise of its powers and all rights to receive the same, including without limitation, (1) revenue as defined in section one of

chapter forty-four of the General Laws, (2) proceeds of bonds, (3) investment earnings, (4) receipts from any tax, excise or fee theretofore or hereafter imposed by any general or special law all or a part of the receipts from which are payable or distributable to or for the account of the city and (5) receipts, distributions and reimbursements received from the commonwealth under the provisions of chapter fifty-eight of the General Laws and under any other local reimbursement or assistance program described in section twenty-five A of said chapter fifty-eight except such distributions and reimbursements as are required by law to be specifically used for statutorily defined purposes.

(*i*) "Two-thirds vote", the vote taken by yeas and nays of two-thirds of all members of the city council of the city in every case subject to the approval of the mayor.

SECTION 2. The city is hereby authorized to borrow from time to time such sums as may be necessary and to issue bonds of the city and borrow money in anticipation of such bonds for the purpose of directly and indirectly financing the costs of the project. The bonds shall be issued in such amounts as may be authorized by the city council, with the approval of the mayor, in accordance with the provisions of section two of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, chapter two hundred and six of the acts of eighteen hundred and ninety-one and the City of Boston Bond and Minibond Procedure Act of 1983, except as such provisions may be modified by the provisions of this act. Any bonds issued under authority of this act shall not at any time be included in the debt of the city for the purpose of ascertaining its legal borrowing capacity. Notwithstanding the limitation contained in subsection (*a*) of section four of the City of Boston Bond and Minibond Procedure Act of 1983, the bonds issued under authority of this act shall be payable within such periods as may be established by the collector-treasurer with the approval of the city auditor and the mayor and the first installment of principal shall be payable at such date as may be established by the collector-treasurer with the approval of the city auditor and the mayor.

SECTION 3. (*a*) The collector-treasurer, with the approval of the mayor, may elect to have the city issue bonds under authority of this act in any one or more of the following forms; provided that bonds in more than one of the following forms may be simultaneously outstanding:-

(*i*) pursuant to section eight of the City of Boston Bond and Minibond Procedure Act of 1983, in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation bonds of the city for which the city's full faith and credit are not pledged;

(*ii*) notwithstanding the provisions of subsection (*b*) of section nine of the City of Boston Bond and Minibond Procedure Act of 1983, in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation bonds pursuant to section eight of the City of Boston Bond and Minibond Procedure Act of 1983, with an additional assignment or pledge of other revenues of the city;

(*iii*) notwithstanding certain limitations contained in section eight of the City of Boston Bond and Minibond Procedure Act of 1983, in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation bonds pursuant to said section eight payable solely from certain revenues of the city which are not pledged for their payment;

(*iv*) in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation bonds pursuant to section eight of the City of Boston Bond and Minibond Procedure Act of 1983 or clause (*ii*) hereinabove, and further secured by a mortgage of certain real and personal property as provided in subsection (*a*) of section four;

(*v*) in the discretion of the collector-treasurer, when authorized by one two-thirds vote, as special obligation non-recourse bonds which shall not constitute a debt or pledge of the city's full faith and credit but shall be payable solely from the income or revenues received under certain financing documents; and

(*vi*) such other forms as may be authorized by law, including, without limitation, general obligation bonds of the city for which the city's full faith and credit are pledged.

(*b*) Bonds may be issued under authority of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof, and without any other proceedings or the happening of any condition or event other than those proceedings, conditions or events which are specifically required therefor by this act or the City of Boston Bond and Minibond Procedure Act of 1983, and the validity of and security for any bonds issued by the city pursuant to this act shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or events.

SECTION 4. (*a*) The city may grant a mortgage on, or assign its interest in, all or a portion of the land, building, fixtures, furnishings, equipment and all other real and personal property used, in whole or in part, by or in connection with the operations of the department to secure any bonds issued under authority of this act. The real property on all or a portion of which the city may grant a mortgage under authority of this section shall include, but not be limited to, those certain parcels of land, including any buildings and improvements located thereon, bounded on its northeasterly side by East Concord street, on its northwesterly side by Harrison avenue, on its southwesterly side by Massachusetts avenue and on its southeasterly side by Albany street, and those certain parcels of land, including any buildings and improvements located thereon, bounded on its northeasterly side by Massachusetts avenue, on its northwesterly side by Harrison avenue, on its southwesterly side by Northampton street and on its southeasterly side by Albany street, and those certain parcels of land, including any buildings and improvements located thereon, bounded on its northeasterly side by certain property owned or controlled by the city or any agency or authority thereof, on its northwesterly side by Albany street, on its southwesterly side by Massachusetts avenue and on its southeasterly side by a state highway, and those certain additional parcels of land, including any buildings and improvements located thereon, which the city has or may acquire or obtain an interest in for use by or in connection with the operations of the department.

The present uses of the real property described in this section include use as public acute care hospitals, neighborhood health centers and public health facilities.

(*b*) The mortgage and assignments authorized under this section may contain such provisions for protecting and enforcing the rights, security and remedies of the mortgagee and its assignees as may, in the discretion of the collector-treasurer, with the approval of the mayor, be reasonable and proper, including, without limitation, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities of any bonds, possession of the mortgaged property by the mortgagee or its assignee and a sale upon foreclosure of the mortgaged property by the mortgagee or its assignee for use other than for its current public uses, and such other provisions and covenants as are customarily required in similar security instruments.

(c) Any bonds issued under authority of this act or any security granted to secure any bonds issued under authority of this act may be secured, in whole or in part, without limitation, by bond insurance issued by commercial insurers or by any agency or department of the commonwealth or of the federal government, and the city may execute and deliver a regulatory agreement and building loan agreement and may enter into such other documents and agreements as the collector-treasurer, with the approval of the mayor, may deem necessary or desirable in connection with such insurance, including, without limitation, agreements containing covenants setting forth the duties of, and limitations on, the hospital and the city in relation to the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees and charges, the use of any surplus bond proceeds, the establishment of reserves, and the making and amending of contracts relating to the department, and agreements governing the establishment of a pledged revenue account and the segregation therein and application therefrom of some or all of the revenues and investment earnings thereon which are pledged as security for, or are to be used to make payments on, any bonds.

SECTION 5. Any debt service fund, construction fund, or reserve fund established under an agreement entered into by the city in accordance with section nine of the City of Boston Bond and Minibond Procedure Act of 1983 in connection with the issuance of bonds under this act, shall be kept separate from the general fund of the city and from the general operating funds of the department. The moneys deposited in any such funds, together with income derived from investments held as part of such funds shall be expended without further authorization or appropriation as provided for in the agreement establishing such funds.

SECTION 6. In addition to other lawful items, the project costs to be financed by the issue of bonds under this act may include: interest for a period of up to twelve months after the date, as determined or estimated by the city auditor, of the commencing of regular use of the new structure by the hospital; the cost of architectural, engineering, financial and legal services, plans, specifications, studies of cost and of revenues; administrative expenses related to the project; expenses as may be necessary or incident to determining the feasibility or practicability of the project or to reviewing the impact of the project on the city and on the city's general financial condi-

tion; capital equipment purchased within one year of the date, as determined or estimated by the city auditor, of commencing regular use of the new structure by the hospital; and such other expenses incurred by the city as may be necessary or incident to the project, the financing of the project, including, without limitation, any reserve funds described in section five of this act, and the placing of the project in operation.

SECTION 7. (*a*) In the event of the establishment of a pledged revenue account pursuant to subsection (*c*) of section four and to the extent allowable by the agreement establishing such pledged revenue account, the collector-treasurer, upon written notification of the city auditor and without further authorization, may advance funds from the general fund of the city in any fiscal year of the city in anticipation of the receipt of revenues required to be deposited in such pledged revenue account. All such sums so advanced shall be deposited into the pledged revenue account and, to the extent required by the agreement establishing such pledged revenue account, prior to the end of each fiscal year of the city, such advances shall be repaid from such account to the general fund together with an amount equal to the interest as determined by the collector-treasurer to be allocable to any debt incurred during said fiscal year by the city in anticipation of revenue in order to make such advances.

(*b*) In the event of the establishment of a pledged revenue account pursuant to subsection (*c*) of section four and to the extent allowable by the agreement establishing such revenue account, the collector-treasurer, upon written notification of the city auditor and without further authorization, may borrow funds from the pledged revenue account in anticipation of the receipt of revenues of the city. All such sums so borrowed shall be deposited into the general fund of the city and, to the extent required by the agreement establishing such pledged revenue account, prior to the end of each fiscal year of the city, the collector-treasurer shall repay the sums so borrowed with an amount equal to the interest as determined by the collector-treasurer that would have been earned on such sums if they had remained in the pledged revenue account; which obligation to repay such sums shall constitute a general obligation of the city for which its full faith and credit are pledged and for which all taxable property in the city shall be subject to ad valorem taxation with limit as to rate or amount except as otherwise provided by law.

SECTION 8. Notwithstanding any provisions of law to the contrary, including provisions of ordinances of the city, to the extent any such provisions of law are inconsistent with the regulations, requirements and standards governing the mortgage insurance described in subsection (*c*) of section four, the demolition, design, renovation and construction activities in connection with the project shall be under the exclusive control of the mayor.

SECTION 9. Notwithstanding any provisions of law to the contrary, the collector-treasurer is hereby authorized, without further authorization or appropriation, to make or authorize to be made such payments to the federal government or any agency or department thereof as may be required by the federal tax law in order to ensure the exemption from federal taxation of interest on any bonds issued under authority of this act or on any other bonds of the city.

SECTION 10. This act shall be deemed to constitute a bond act within the meaning and under the provisions of the City of Boston Bond and Minibond Procedure Act of 1983. The provisions of this act shall be deemed to provide an additional and alternative method for the effectuation of the purposes of this act and shall be construed to be supplemental to, and not in derogation of, powers otherwise conferred by law on the city; provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation or any limitation imposed by the city charter, the provisions of this act shall be controlling. This act shall be interpreted liberally to effect the purposes set forth therein in this act.

SECTION 11. The provisions of this act are severable, and if any provision hereof shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements.

SECTION 12. This act shall take effect upon its passage.

House of Representatives, December 16, 1986.

Passed to be enacted, Acting, Speaker.

H 6369

In Senate, December 16, 1986.

Passed to be enacted, William M. Bulger, President.

December 29, 1986.

Approved,

at Two o'clock and 00 minutes, P. M.

Governor.

REGULATING THE BORROWING OF MONEY IN BOSTON

H. 6060 PETITION

Of Thomas M. Finneran and other members of the General Court (with the approval of the mayor and city council) for legislation to authorize the city of Boston to establish a segregated reserve fund.

06/24/86	H.	Referred to the committee on LOCAL AFFAIRS -HJ 1140
06/26/86	S.	Senate concurred -SJ 933
	P.	Hearing date Jul 8 am
07/09/86	H.	Bill reported favorably by committee and placed in the Orders of the Day for the next session -HJ 1278
07/10/86	H.	Read second and ordered to a third reading -HJ 1321
09/30/86	H.	Read third (title changed)
09/30/86	H.	Placed at the end of the Orders of the Day -HJ 1502
10/01/86	H.	Passed to be engrossed -HJ 1524
10/02/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 1303
12/09/86	S.	Committee reported that the matter be placed in the Day for the next session -SJ 1630
12/22/86	S.	Rules suspended
12/22/86	S.	Read second, ordered to a third reading, rules suspended, read third and passed to be engrossed -SJ 1676
12/24/86	H.	Enacted -HJ 1886
12/24/86	S.	Enacted and laid before the Governor -Sj 1680
01/07/87	G.	Signed by the governor, Chapter 701 Acts

H 6060

Chapter 701

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-six

AN ACT FURTHER REGULATING THE BORROWING OF CERTAIN MONEY IN THE CITY OF BOSTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The fifth paragraph of section 1 of chapter 231 of the acts of 1906, inserted by section 20A of chapter 190 of the acts of 1982, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The superintendent shall submit to the committee for appropriation the annual budget of the school department for the forthcoming fiscal year no later than the first Wednesday in February prior to the beginning of each fiscal year.

SECTION 2. Section 3 of chapter 486 of the acts of 1909, as most recently amended by section 15 of said chapter 190, is hereby further amended by striking out, in line 20, the word "thirty" and inserting in place thereof the word:- sixty.

SECTION 3. Said chapter 486 is hereby further amended by striking out section 3B, as most recently amended by section 23 of said chapter 190, and inserting in place thereof the following section:-

Section 3B. After an appropriation of money has been made by the city for any specific purpose, or for the needs and expenditures of any city department or county office, no transfer of any part of the money thus appropriated, between such department or office and another department or office, shall be made, except in accordance with and after the written recommendation of the mayor to the city council, approved by a yea or nay vote of two-thirds of all of the members of the city council, provided that the city auditor, with the approval in each instance of the mayor, may make transfers, other than for personal service, from any item to any other item within the appropriations for a department, division of a department or county office. After the close of the fiscal year, the city auditor may, with the approval of the mayor in each instance, apply any income, taxes and funds not disposed of and make

transfers from any appropriation to any other appropriation for the purpose only of closing the accounts of such fiscal year, provided further that the city auditor within seventy days after the close of the fiscal year, shall transmit to city council and the city clerk a report listing what income, taxes or funds were applied and what transfers were made and the reasons therefor.

SECTION 4. Section 31C of said chapter 486, inserted by section 24 of said chapter 190, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:-

(2) All proceeds in excess of such amount shall be credited to the capital fund of the city unless the city council by a majority vote determines with the approval of the mayor to credit such proceeds to the general fund of the city.

SECTION 5. Chapter 224 of the acts of 1936 is hereby amended by striking out section 2, as most recently amended by section 21 of said chapter 190, and inserting in place thereof the following section:-

Section 2. The provisions of section thirty-four of chapter seventy-one of the General Laws shall apply to appropriations for the support of the public schools of the city.

SECTION 6. Said chapter 224 is hereby further amended by striking out section 3, as most recently amended by section 21B of said chapter 190, and inserting in place thereof the following section:-

Section 3. The school committee shall submit to the mayor estimates of the proposed expenditures for school purposes not later than the fourth Wednesday in February of each fiscal year. All appropriation requests for said school purposes shall be passed by said committee not later than the fourth Wednesday in March.

SECTION 7. Chapter 190 of the acts of 1982 is hereby amended by inserting after section 17 the following section:-

Section 17A. To provide for extraordinary and unforeseen expenditures, the city of Boston shall, prior to the date when the tax rate for a fiscal year is fixed, include in the appropriations for such fiscal year as a segregated reserve fund a sum not less than two and one-half per cent of the preceding year's appropriations for city and county departments, excepting the school department; provided, however, that the amount required to be appropriated for such reserve fund in any fiscal year may be reduced by the amount, if

any, remaining in the reserve fund established for the preceding fiscal year after all transfers have been made therefrom as hereinafter authorized and such remaining amount shall be retained in the reserve fund provided for such fiscal year. The mayor, with the approval of the city council, may make direct drafts or transfers against such fund before the close of the fiscal year, provided that no such drafts or transfers may be made before June first in any fiscal year.

Each transfer recommended by the mayor to the city council shall be accompanied by written documentation detailing the amount of such transfer and an explanation of the reason for the transfer. If the reserve fund for a fiscal year beginning on or after July first, nineteen hundred and eighty-six is exhausted through transfer and the city incurs an appropriation or revenue deficit in such fiscal year, the reserve fund appropriation requirement shall increase by fifty per cent for the fiscal year following such fiscal year.

Notwithstanding the foregoing provisions of this section, the amount required to be included in the appropriations as a segregated reserve fund for a fiscal year shall be not less than the following percentages of the preceding year's appropriations for city and county departments, excepting the school department:

(*a*) for the fiscal year beginning July first, nineteen hundred and eighty-six, one per cent;

(*b*) for the fiscal year beginning July first, nineteen hundred and eighty-seven, one and one-half per cent;

(*c*) for the fiscal year beginning July first, nineteen hundred and eighty-eight, two per cent;

(*d*) for the fiscal year beginning July first, nineteen hundred and eighty-nine and for each fiscal year thereafter, two and one-half per cent.

Notwithstanding any general or special law to the contrary, in the city of Boston, the segregated reserve fund established by this section shall be deemed to satisfy the requirement of section fourteen of chapter sixty-four J of the General Laws that a city accepting said chapter sixty-four J shall establish a segregated reserve fund. The reserve fund established pursuant to this section shall become effective for the fiscal year beginning July first, nineteen hundred and eighty-six.

Notwithstanding any general or special law to the contrary, effective for the fiscal year beginning July first, nineteen hundred and eighty-six, the

school department shall establish a segregated reserve fund of not less than one per cent of the current fiscal year's appropriations to the school department within ten days of final approval of such appropriations. No expenditures may be made from this fund before May first in any fiscal year. Expenditures from this fund shall require the approval of the mayor and the city council. If the reserve fund for a fiscal year is exhausted through transfers and the school department incurs an appropriation deficit in such fiscal year, the reserve fund requirement shall increase by fifty per cent for the fiscal year next following such fiscal year, provided that, in no event shall the school department be required to maintain a segregated reserve fund greater than two and one-half per cent of the current fiscal year's school department appropriations.

SECTION 8. Section 18 of said chapter 190 is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The mayor, within seven days after receiving such notice, shall determine whether to waive or enforce such allotment. If the allotment for such quarter is waived or not enforced by the mayor, as provided above, the department or agency head shall reduce the subsequent quarter's allotments appropriately and the director of administrative services, within seven days, shall state in writing to the city council and the city clerk what reductions in each subsequent quarter's allotment will be taken or what reallocations or transfers will be made to support the spending level in each subsequent quarter's allotment. If the allotment for such quarter is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of the quarter. All actions taken pursuant to this section shall be reported to the city council and the city clerk. All reports provided for in this section shall be transmitted to the city council and the city clerk within seven days.

SECTION 9. Said section 18 of said chapter 190 is hereby further amended by striking out the seventh paragraph and inserting in place thereof the following paragraph:-

To insure that the overall city and county spending program remains in balance, the mayor may reallocate no more than three million dollars of nonpersonnel appropriations other than school appropriations during a fiscal year to other departmental purposes provided that in no department from which appropriations have been reallocated in accordance with this section shall any

transfers be made under section three B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine from personal services to non-personal services, except with the approval of a two-thirds vote of the city council, if such transfer would require the layoff of departmental personnel, who have been permanently appointed to a position in the department under the provisions of chapter thirty-one of the General Laws. No reallocation may be made under this section after April fifteenth in any fiscal year. A list of each reallocation made by the mayor shall be transmitted to the city council and the city clerk by the city auditor by April thirtieth in any fiscal year. In each case the report shall state the accounts from which the transferred funds were taken and the accounts to which the funds were reallocated, and the reasons therefor.

SECTION 10. Said chapter 190 is hereby further amended by inserting after section 18 the following section:-

Section 18A. To further insure that the overall city and county spending program remains in balance, the mayor and city council shall appropriate for the hospitalization and insurance account an amount not less than the average of the past three years actual expenditures from those accounts. The city auditor shall certify, in writing to the board of assessors, that adequate funds are provided in the operating budget for existing collective bargaining contracts. This certification shall be received by the board no later than ten business days before the proposed tax rate is submitted to the department of revenue for approval.

House of Representatives, December 24, 1986.

Passed to be enacted, William D. Galvin Acting, Speaker.

In Senate, December 27, 1986.

Passed to be enacted, Walter J. Boverini Acting, President.

January 7, 198

Approved

Governor.

AN ABBREVIATED VERSION OF LEGISLATION
FILED BY MEMBERS OF THE MBLC;
NOT PASSED

LEGISLATION LISTED BY INDIVIDUAL
SENATOR AND REPRESENTATIVE

LEGISLATION SPONSORED
BY
SENATOR ROYAL L. BOLLING, SR.

SENATOR ROYAL L. BOLLING, SR.

S. 73 PETITION

Of Royal L. Bolling, Sr., that provision be made for an investigation and study by a special commission (including members of the General Court) relative to public training and re-training programs.

01/01/86 S. Referred to the committee on COMMERCE AND LABOR
06/04/86 H. Accompanied H2185

H. 2185 Of Kenneth M. Lemanski for an investigation and study by the committee on Commerce and Labor relative to employment training laws in the Commonwealth.

01/02/86 H. Referred to the committee on COMMERCE AND LABOR
06/04/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 989
11/13/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1676

S. 1626 Of Royal L. Bolling, Sr., that provision be made for the payment of a sum of money from the state treasury to Lawyer Johnson.

01/01/86 S. Referred to the committee on SENATE WAYS AND MEANS
01/06/87 S. No report from committee

S. 1595 Of Royal L. Bolling, Sr., and Royal L. Bolling, Jr., for legislation to authorize cost free passes to travel on the Massachusetts Bay Transportation Authority for certain persons.

01/01/86 S. Referred to the committee on TRANSPORTATION
06/05/86 H. Accompanied a study order, see H5898

S. 1606 Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to provide for additional contract assistance from the Commonwealth to the Massachusetts Bay Transportation Authority and the regional transit authorities.

01/01/86 S. Referred to the committee on TRANSPORTATION
06/05/86 H. Accompanied a study order, see H5898

SEN. ROYAL L. BOLLING, SR.
(CONTINUE PAGE TWO)

H. 5898	Order relative to authorizing the committee on Transportation to make an investigation and study of certain Senate and House documents concerning the Massachusetts Bay Transportation Authority improvements and other related matters.
06/05/86	H. Reported from the committee on TRANSPORTATION
06/05/86	H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJs 1011-1012
11/13/86	H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1679
S. 1540	Of John W. Olver, Richard A. Kraus, Royal L. BOlling, Sr., George Bachrach, John E. McDonough, John A. Businger and Mary Jane Gibson for legislation relative to allowing the imposition of certain local option excises.
01/01/86	S. Referred to the committee on TAXATION
06/16/86	H. Accompanied a study resolve, see H5972
S. 1493	Of William R. Keating, Royal L. Bolling, Sr., and Joseph B. Walsh for legislation relative to the dates of certification of certain valuations and appeals therefrom.
01/01/86	S. Referred to the committee on TAXATION
06/16/86	H. Accompanied a study resolve, see H5972
S. 1495	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to provide for the uniform valuation of real and personal property of utility companies.
01/01/86	S. Referred to the committee on TAXATION
06/16/86	H. Accompanied a study resolve, see H5972
H. 5972	Resolve increasing the scope of the special commission established to make an investigation and study relative to all state, local, special district and county taxation in order to develop a tax reform program in the Commonwealth.
06/16/86	H. Reported from the committee on TAXATION
06/16/86	H. Resolve reported favorably by committee and referred to the committee on JOINT RULES -HJ 1077
09/23/86	H. Reported (in part) by H2352 -HJ 1448

S. 1546	Of John W. Olver, George Bachrach, Salvatore R. Albano, John E. McDonough and other members of the General Court for legislation to provide for payment in lieu of taxes for certain non-profit institutions.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1506	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to authorize grants in lieu of taxes on real property of the Commonwealth and certain other organizations.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1505	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to make holders of certain leasehold interests liable for local property taxes.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1504	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to provide for state reimbursement for a portion of property exempt from taxation.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1503	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to further reimburse cities and towns for the tax value of real property owned by the Commonwealth.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study reslove, see H5971
S. 1502	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to provide for payments in lieu of taxes upon hospitals and universities.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971

SEN. ROYAL L. BOLLING, SR.
(CONTINUE PAGE FOUR)

S. 1501	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to allow taxpayers over fifty-five years of age to defer payment of certain real estate taxes.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1424	Of Royal L. Bolling, Sr., and Joseph B. Walsh for legislation to equitably distribute lottery revenues.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1498	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to provide that real property of the Massachusetts Bay Transportation Authority leased for business purposes be subject to taxation.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1423	Of Royal L. Bolling, Sr., for legislation relative to the distribution of lottery revenues.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1499	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to provide for an annual payment in lieu of taxes by the Massachusetts Turnpike Authority.
01/01/86	S. Referred to the committee TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1497	Of William R. Keating, Royal L Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to increase the property tax exemptions and the property tax abatement for the elderly and surviving spouses.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1425	Of Royal L. Bolling, Sr., and Joseph B. Walsh for legislation relative to sharing lottery revenues.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971

SEN. ROYAL L. BOLLING, SR.
(CONTINUE PAGE FIVE)

S. 1422	Of Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to revise certain property tax exemptions.
01/01/86	S. Referred ot the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1421	Of Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to provide that new acquisitions of real property by charitable organizations in any city or town which has more than twenty-five percent of its assessed valuation tax exempt, shall not be tax exempt.
01/01/86	S. Referred to the committee on TAXATION
06/12/86	H. Accompanied a study resolve, see H5971
S. 1708	Of Royal L. Bolling, Sr., for legislation to encourage home ownership in economically distressed areas.
01/01/86	S. Referred to the committee on JOINT RULES
02/24/86	S. Referred to the committee on TAXATION -SJ 69
06/12/86	H. Accompanied a study resolve, see H5971
H. 5971	Resolve increasing the scope of the special commission on the current Local Aid distribution formula.
06/12/86	H. Reported from the committee on TAXATION
06/12/86	H. Resolve reported favorably by committee and referred to the committee on JOINT RULES -HJs 1070-1071
09/23/86	H. Reported (in part) by S1408 -HJ 1447
S. 1343	Of Royal L. Bolling, Sr., and Royal L. Bolling, Jr., for legislation to establish the Blue Hill regional development corporation.
01/01/86	S. Referred to the committee on STATE ADMINISTRATION
04/22/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 455
10/27/86	S. Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1424
01/06/87	S. No report from committee
S. 1414	Of Jack H. Backman, Royal L. Bolling, Sr., Mary L. Padula, Francis D. Doris, Frederick E. Berry, Nicholas J. Costello, Barbara Hildt, George Bachrach, Robert A. Durand, Salvatore Ciccarelli, Kevin P. Blanchette, Linda J. Melconian, Richard T. Moore, Stephen W. Doran, Kevin W. Fitzgerald, Patricia G. Fiero, William E. Moriarty, Geoffrey C. Beckwith, Mary Jeanette Murray,

Frances F. Alexander, William G. Robinson, Patricia A. Walrath, John A. Businger, Thomas M. Gallagher, Charles F. Flaherty, Philip Travis, Francis G. Mara and Charles N. Decas for legislation to provide an income tax credit for families caring at home for relatives who are elderly or victims of Alzheimer's disease.

03/03/86 S. Referred to the committee on TAXATION -SJ 94
04/30/86 S. Accompanied S1548 -SJs 357-358

S. 1548 Of John W. Olver, Carol Brill, George Bachrach, Richard A. Kraus, Salvatore R. Albano, John E. McDonough, other members of the General Court and another for legislation to provide an income tax exemption for families caring for their elderly relatives at home.

01/01/86 S. Referred to the committee on TAXATION
04/30/86 S. Bill reported favorably by committee as changed and referred to the committee on SENATE WAYS AND MEANS -SJs 357-358
01/06/87 S. No report from committee

S. 1345 Of Royal L. Bolling, Sr., Kevin W. Fitzgerald, George Bachrach, Royal L. Bolling, Jr., and other members of the General Court for legislation relative to the identification and indexing of public records by state agencies.

01/01/86 S. Referred to the committee on STATE ADMINISTRATION
05/06/86 H. Accompanied H4194

H. 4194 Of Richard T. Moore, Marie-Louise Kehoe, Mary Jeanette Murray, Angelo Marotta, Robert J. Rohan and Charles E. Silvia for legislation to improve the administration of certain agencies and boards of the Commonwealth.

01/06/86 H. Referred ot the committee on STATE ADMINISTRATION
05/06/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJs 633-634

S. 1260 Of Royal L. Bolling, Sr., and Joseph M. Bonavita for legislation to provide retirement benefits for employees working at day care facilities at state and community colleges.

01/01/86 S. Referred to the committee on PUBLIC SERVICE
06/10/86 H Accompanied a study order, see H5940

H. 5940	Order relative to increasing the scope of the joint special committee established to make an investigation and study of the public employees contributory retirement law of the Commonwealth.
06/10/86	H. Reported from the committee on PUBLIC SERVICE
06/10/86	H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJs 1040-1041
11/13/86	H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1680
S. 1261	Of Royal L. Bolling, Sr., Paul M. Connolly, Richard J. Guiney and Arthur Joseph Lewis, Jr., for legislation relative to collective bargaining between employee organizations and the directors of the Massachusetts Bay Transportation Authority.
01/01/86	S. Referred to the committee on PUBLIC SERVICE
04/08/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 251
01/06/87	S. No report from committee
S. 868	Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to authorize the assumption of all Suffolk County Court facilities by the Commonwealth.
01/01/86	S. Referred to the committee on THE JUDICIARY
05/07/86	S. Discharged to the committee on SENATE WAYS AND MEANS -SJ 417
01/06/87	S. No report from committee
S. 1166	Of Royal L. Bolling, Sr., and Royal L. Bolling, Jr., for legislation to establish a community guard corps in the Department of Public Safety.
01/01/86	S. Referred to the committee on PUBLIC SAFETY
05/05/86	S. Committe recommended ought NOT to pass and referred to the committee on SENATE STREERING AND POLICY -SJ 393
06/23/86	S. Report accepted -SJ 892
H. 3380	Of John E. McDonough and other members of the General Court for legislation to establish an urban development action program in order to facilitate the creation and retention of housing and economic development.
01/02/86	H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
07/08/86	H. Accompanied a study order, see H6139

See Senator Royal L. Bolling, Sr.

S. 1648 Of Gerard D'Amico, Frederick E. Berry, Salvatore R. Albano, George Bachrach, Royal L. Bolling, Sr., and John W. Olver for legislation to establish the housing fund trust.

02/06/86 S. Referred to the committee on HOUSING AND URBAN DEVELOPMENT -SJ 33
07/08/86 H. Accompanied a study order, see H6139

H. 6139 Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain Senate and House documents increasing the availability of housing in the Commonwealth and other related matters.

07/08/86 H. Reported from the committee on HOUSING AND URBAN DEVELOPMENT
07/08/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1259
11/13/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1685

SENATE DOCKET NUMBER 1302. NOT YET ADMITTED FOR CONSIDERATION.

(subject to Joint Rule 7B) of William R. Keating, Royal L. Bolling, Sr., and Joseph B. Walsh for legislation relative to school building assistance, as it pertains to an athletic facility in the city of Boston.

01/01/86 S. Referred to the committee on JOINT RULES
01/06/87 S. No report from committee

SENATE DOCKET NUMBER 1745. NOT YET ADMITTED FOR CONSIDERATION.

(subject to Joint Rule 12) of Royal L. Bolling, Sr., that provision be made to revive and continue a certain special commission to investigate the needs of the Hispanic population of the Commonwealth.

01/01/86 S. Referred to the committee on JOINT RULES
01/06/86 S. No report from committee

S. 1256 Of Royal L. Bolling, Sr., and Joseph M. Bonavita for legislation relative to prohibiting practices under the public employee collective bargaining law.

01/01/86 S. Referred to the committee on PUBLIC SERVICE
04/24/86 S. Accompanied a new draft, see S1823 -SJ 339

SEN. ROYAL L. BOLLING, SR.
(CONTINUE PAGE NINE)

S. 1823	Bill relative to prohibited practices under the public employee collective bargaining law.
04/24/86	S. Reported from the committee on PUBLIC SERVICE
04/24/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 339
01/06/87	S. No report from committee
H. 3386	Of the Massachusetts Teachers Association, Royal L. Bolling, sr., and other members of the General Court for legislation to permit negotiation of health and welfare plans for municipal employees.
01/02/86	H. Referred to the committee on INSURANCE
03/13/86	H. Discharged to the committee on PUBLIC SERVICE -HJ 139
04/28/86	H. Accompanied a new draft, see H5571
H. 5571	Bill providing for negotiation of health and welfare plans for municipal employees.
04/28/86	H. Reported from the committee on PUBLIC SERVICE
04/28/86	H. Bill reported favorably by committee and referred to the committee on HOUSE COUNTIES -HJ 481
06/11/86	S. Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 822
01/06/87	S. No report from committee
H. 3381	Of John E. McDonough and other members of the General Court for legislation to establish a housing innovations program for the purpose of facilitating the creation of alternative forms of rental and ownership housing.
01/02/86	H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
07/08/86	H. Accompanied a study order, see H6139
S. 268	Of Royal L. Bolling, Sr., and Royal L. Bolling, Jr., that provision be made to revive and continue the special committee of the Senate relative to advancing foreign trade with the various developing countries.
01/01/86	S. Referred to the committee on SENATE RULES
01/06/87	S. No report from committee

H. 863		Of Kevin P. Blanchette, Royal L. Bolling, Sr., Frank A. Emilio, Joseph B. McIntyre and George Bachrach for legislation to provide for local and voluntary acceptance of collective bargaining closure decisions.
01/06/86	H.	Referred to the committee on JOINT RULES, reported, rules suspended and referred to the committee on PUBLIC SERVICE -HJ U
02/27/86	H.	Bill reported favorably by committee as changed and referred to the committee on HOUSE WAYS AND MEANS -HJ 81
03/18/86	H.	Recommitted to the committee on PUBLIC SERVICE -HJ 156
01/06/87	H.	Extension order pending and no report from committee
H. 1297		Of Joseph B. McIntyre and other members of the General Court that certain cities and towns be directed to provide voter ballots printed in non-English languages.
01/01/86	H.	Referred to the committee on ELECTION LAWS
06/04/86	H.	Accompanied a study order, see H5884
H. 5884		Order relative to authorizing the committee on Election Laws to make an investigation and study of certain Senate and House documents concerning the printing of information on election ballots.
06/04/86	H.	Reported from the committee on ELECTION LAWS
06/04/86	H.	Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 990
11/13/86	H.	Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1679
S. 1262		Of Royal L. Bolling, Sr., for legislation relative to the pension benefits payable to Leo J. Martin by the state retirement system.
01/01/86	S.	Referred to the committee on PUBLIC SERVICE
04/07/86	S.	Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 243
01/06/87	S.	No report from committee
S. 1257		Of Royal L. Bolling, Sr., and Joseph M. Bonavita for legislation relating to injuries sustained in service to the Commonwealth of Massachusetts.
01/01/86	S.	Referred to the committee on PUBLIC SERVICE
06/09/86	S.	Ought NOT to pass (under Joint Rule 10) and referred to the committee on SENATE STEERING AND POLICY -SJ 783
06/23/86	S.	Report accepted -SJ 893

SEN. ROYAL L. BOLLING, SR.
(CONTINUE PAGE ELEVEN)

S. 1701	Of Royal L. Bolling, Sr., for legislation to further regulate the use of state and regional facilities.
01/01/86	S. Referred to the committee on JOINT RULES
02/24/86	S. Referred to the committee on PUBLIC SAFETY -SJs 68-69
04/24/86	S. Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 341
01/06/87	S. No further action taken
S. 798	Of Jack H. Backman, Thomas M. Gallagher, George Bachrach, Barbara Hildt, Eleanor Myerson, Salvatore R. Albano, Patricia G. Fiero, John A. Businger, Christopher J. Hodgkins, Kevin W. Fitzgerald, David B. Cohen, John W. Olver, William B. Golden and Royal L. Bolling, Sr., for legislation to provide legal representation to persons seeking political asylum in the United States.
01/01/86	S. Referred to the committee on THE JUDICIARY
04/03/86	S. Discharged to the committee on SENATE WAYS AND MEANS -SJ 236
04/24/86	S. Accompanied a new draft, see S1828 -SJ 336
S. 1828	Bill providing funding for legal representation to residents of the Commonwealth seeking political asylum in the United States.
04/24/86	S. Reported from the committee on SENATE WAYS AND MEANS
04/24/86	S. Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 336
06/03/86	H. Read; and referred to the committee on HOUSE WAYS AND MEANS -HJ 971
S. 5	Order (offered by Senators Kraus, Webber, Costello, cellucci, Golden, Albano, Padula, Bachrach, Amick, Bolling, Houston, Olver, Harold and D'Amico) relative to making certain changes in the Joint Rules of General Court.
01/13/86	S. Referred to the committee on SENATE RULES -SJs 7-8
01/06/87	S. No report from committee
S. 1697	Of Royal L. Bolling, Sr., for legislation to require medical service corporations to contract with all licensed health care providers.
01/13/86	S. Referred to the committee on JOINT RULES -SJ 6
02/24/86	S. Referred to the committee on HEALTH CARE -SJ 68
04/08/86	S. Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 253
04/30/86	S. Report accepted -SJ 372

S. 1694	Of Royal L. Bolling, Sr., and Thomas C. Norton for legislation to remove Massachusetts mobile radio telephone one-way or two-way service from under the jurisdiction of the Department of Public Utilities.
01/01/86	S. Referred to the committee on JOINT RULES
02/24/86	S. Referred to the committee on GOVERNMENT REGULATIONS -SJ 68
05/12/86	S. Accompanied a new draft, see S1901 -SJ 466
S. 1901	Bill removing Massachusetts mobile radio telephone one-way or two-way service from under the jurisdiction of the Department of Public Utilities.
05/12/86	S. Reported from the committee on GOVERNMENT REGULATIONS
05/12/86	S. Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 466
01/06/87	H. No action taken
S. 824	Of Royal L. Bolling, Sr., and Royal L. Bolling, Jr., for legislation to require district attorneys to report certain racial and ethnic data.
01/01/86	S. Referred to the committee on THE JUDICIARY
04/17/86	S. Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 318
05/12/86	S. Report accepted -SJ 488
S. 823	Of Royal L. Bolling, Sr., and Royal L. Bolling, Jr., that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the use of deadly force and other force by law enforcement officials in the Commonwealth.
01/01/86	S. Referred to the committee on THE JUDICIARY
04/30/86	S. Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 359
01/06/87	S. No further action taken
S. 755	Of William B. Golden, Linda J. Melconian, George Bachrach, John P. Burke, Martin T. Reilly, William Q. MacLean, Jr., Argeo Paul Cellucci, Nicholas J. Costello, Roger R. Goyette, Richard A. Kraus, Royal L. Bolling, Sr., Peter C. Webber and Mary Jeanette Murray for legislation to respond to insurance failures in the market place.
01/01/86	S. Referred to the committee on INSURANCE
06/09/86	S. Ought NOT to pass (under Joint Rule 10) and referred to the committee on SENATE STEERING AND POLICY -SJ 782
07/02/86	S. Recommitted to the committee on INSURANCE -SJ 991
09/24/86	S. Accompanied a study order, see S2106 -SJ 1229

S. 2106 Order relative to authorizing the joint committee on Insurance to sit during the recess of the General Court for the purpose of making an investigation and study of current Senate document numbered 755, relative to insurance failures in the marketplace.

09/24/86 S. Reported from the committee on INSURANCE
09/24/86 S. Order reported favorably by committee and referred the committee on JOINT RULES -SJ 1229
10/01/86 S. Discharged to the committee on SENATE RULES -SJ 1280
01/06/87 S. No report from committee

S. 1692 Of Royal L. Bolling, Sr., and Royal L. Bolling, Jr., for a legislative amendment to the Constitution to abolish the requirement of a state census.

01/01/86 S. Referred to the committee on JOINT RULES
02/24/86 S. Referred to the committee on ELECTION LAWS -SJ 68
05/22/86 H. Ought NOT to pass (under Joint Rule 23) and placed on file

S. 1693 Of Patricia McGovern for a legislative amendment to the Constitution to annul the requirement that the state perform a decennial census and to adopt the federal census as a basis for the determination of representative, senatorial, councillor districts.

02/13/86 S. Referred to the committee on JOINT RULES -SJ 46
02/20/86 S. Referred to the committee on ELECTION LAWS -SJ 64
05/22/86 H. Ought NOT to pass (under Joint Rule 23) and placed on file

S. 654 Of Royal L. Bolling, Sr., that provision be made for an investigation and study by a special commission (including members of the General Court) relative to state services to minority disabled citizens of the Commonwealth.

01/01/86 S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
04/24/86 S. Resolve reported favorably by committee and referred to the committee on JOINT RULES -SJ 336
04/30/86 S. Discharged to the committee on SENATE RULES -SJ 362
01/06/87 S. No report from committee

S. 655 Of Royal L. Bolling, Sr., George Bachrach, Kevin P. Blanchette and other members of the General Court for legislation to require certain private human service agencies to document their ability to perform certain services to certain minority, ethnic, racial or linguistic communities.

01/01/86	S.	Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
04/24/86	S.	Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 338
01/06/87	S.	No report from committee

S. 656 Of Royal L. Bolling, Sr., that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the merits of private as opposed to public prisons.

01/01/86	S.	Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/15/86	S.	Resolve reported favorably by committee and referred to the committee on JOINT RULES -SJ 514
05/22/86	S.	Discharged to the committee on SENATE RULES -SJ 596
01/06/87	S.	No report from committee

S. 653 Of Royal L. Bolling, Sr., George Bachrach, Kevin W. Fitzgerald, Royal L. Bolling, Jr., and other members of the General Court for legislation relative to the temporary registration of nurses who graduated from an approved school of nursing in the Commonwealth of Puerto Rico.

01/01/86	S.	Referred to the committee on HEALTH CARE
05/22/86	S.	Accompanied a study order, see S1946 -SJ 593

S. 484 Of Royal L. Bolling, Sr., Kevin W. Fitzgerald, George Bachrach, Royal L. Bolling, Jr., and other members of the General Court for legislation relative to the registration or licensing of nurses who are registered or licensed under the laws of the Commonwealth of Puerto Rico.

01/01/86	S.	Referred to the committee on HEALTH CARE
05/22/86	S.	Accompanied a study order, see S1946 -SJ 593

S. 482 Of Royal L. Bolling, Sr., Royal L. Bolling, Jr., John E. McDonough, Thomas M. Gallagher and other members of the General Court for legislation to require nursing examinations be made available in Spanish upon request.

01/01/86	S.	Referred to the committee on HEALTH CARE
05/22/86	S.	Accompanied a study order see, S1946 -SJ 593

S. 1946 Order relative to authorizing and directing the committee on Health Care to sit during the recess of the General Court for the purpose of making an investigation and study of the subject matter of Senate documents numbered 482, 484 and 653.

05/22/86	S. Reported from the committee on HEALTH CARE
05/22/86	S. Order reported favorably by committee and referred to the committee on JOINT RULES -SJ 593
06/09/86	S. Discharged to the committee on SENATE RULES -SJ 785
01/06/87	S. No report from committee

S. 631 Of Jack H. Backman, George Bachrach, Richard A. Kraus, Salvatore R. Albano, Gerard D'Amico, Peter A. Vellucci, Marie E. Howe, Royal L. Bolling, Sr., David P. Magnani, Kevin W. Fitzgerald, Nicholas J. Costello, Byron Rushing, Patricia G. Fiero, Mary Jeanette Murray, Frances F. Alexander, John A. Businger, Geoffrey C. Beckwith, Saundra Graham, Francis D. Doris, Thomas M. Gallagher and Charles F. Flaherty for legislation to ensure minimally adeqyate grants for recipients of Aid to Families with Dependent Children and General Relief.

01/01/86	S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/19/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 538
01/06/87	S. No report from committee

S. 637 Of Jack H. Backman, A. Joseph DeNucci, Frederick E. Berry, Nicholas J. Costello, Barbara Hildt, George Bachrach, Mary Jane Gibson, Linda J. Melconian, Salvatore R. Albano, Carmen D. Buell, Stephen W. Doran, Patricia G. Fiero, Geoffrey C. Beckwith, John Patrick Houston, Edward L. Burke, William G. Robinson, John A. Businger, Saundra Graham, Thomas M. Gallagher, Charles F. Flaherty, John P. Burke, William B. Golden, Royal L. Bolling, Sr., David P. Magnani and Kevin W. Fitzgerald for legislation relative to the elegibility for medical assistance of certain pregnant minors.

01/01/86	S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/19/86	S. Accompanied a new draft, see S1927 -SJ 538

S. 1927 Bill relative to providing health starts for pregnant women and minors.

05/1/9/86	S. Reported from the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/19/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 538
01/06/87	S. No report from committee

S. 636	Of Jack H. Backman, William B. Golden, Susan D. Schur, Frances F. Alexander, David B. Cohen, Thomas M. Gallagher, Salvatore R. Albano, Frederick E. Berry, George Bachrach, Kevin W. Fitzgerald, Linda J. Melconian, Carmen D. Buell, Patricia G. Fiero, Geoffrey C. Beckwith, John A. Businger, Saundra Graham and Royal L. Bolling, Sr., for legislation to provide child care linkage.
01/01/86	S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/15/86	S. Accompanied a new draft, see S1921 -SJ 516
S. 1921	Bill to provide child care linkage.
05/15/86	S. Reported from the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/15/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 516
01/06/87	S. No report from committee
S. 652	Of Royal L. Bolling, Sr., and Royal L. Bolling, Jr., for legislation to provide shelter for homeless persons.
01/01/86	S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/29/86	H. Accompanied H2631
H. 2631	Of Gregory W. Sullivan for legislation to provide emergency assistance for homeless persons.
01/02/86	H. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/29/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 941
S. 633	Of Jack H. Backman, Royal L. Bolling, Sr., George Bachrach, Frederick E. Berry, Barbara Hildt, Byron Rushing, Robert A. Durand, Mary Jne Gobson, Kevin W. Fitzgerald, Carmen D. Buell, Richard T. Moore, Patricia G. Fiero, Mary Jeanette Murray, William G. Robinson, John A. Businger, Saundra Graham, Charles F. Flaherty, Frances F. Alexander, Marjorie A. Clapprood, Peter A. Vellucci, Marie E. Howe and Charles E. Silvia for legislation to abolish discrimination against women in prison forestry camps.
01/01/86	S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/15/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 515
06/10/86	S. Referred to the committee on SENATE STEERING AND POLICY -SJs 805-806

06/19/86	H.	Read; and referred to the committee on HOUSE WAYS AND MEANS -HJ 1103
S. 565		Consolidated petition of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh, George Bachrach and Frederick E. Berry for legislation to provide for the assumption of costs by the Commonwealth of the Metropolitan District Commission Parks Division.
03/03/86	S.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT -SJ 94
06/23/86	H.	Accompanied a study order, see H6034
H. 6034		Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain Senate and House documents concerning sewerage and water problems of the Metropolitan District Commission and other related matters.
06/23/86	H.	Reported from the committee on HOUSING AND URBAN DEVELOPMENT
06/23/86	H.	Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1119
11/13/86	H.	Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1683
S. 544		Of Frederick E. Berry, George Bachrach, royal L. Bolling, Sr., William B. Golden and other members of the Senate for legislation to protect the residents of existing public housing developments.
01/01/86	S.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/05/86	S.	Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 391
06/03/86	S.	Report accepted -SJ 755
S. 559		Of Gerard D'Amico, Royal L. Bolling, Sr., and Michael LoPresti, Jr., for legislation to provide for security in public housing projects.
01/01/86	S.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/13/86	H.	Accompanied a study order, see H5690
H. 5690		Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain Senate and House documents concerning security in public housing developments.
05/13/86	H.	Reported from the committee on HOUSING AND URBAN DEVELOPMENT

05/13/86	H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 748
11/13/86	H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1677

S. 335 Of Royal L. Bolling, Sr., and Royal L. Bolling, Jr., for legislation to establish the gathering of ethnic and racial information as part of the state decennial census.

01/01/86	S. Referred to the committee on ELECTION LAWS
01/06/87	H. Reported, but no further action taken

H. 2601 Of Royal L. Bolling, Jr., relative to including ethnic and racial information as part of the decennial census and delaying the state census date to March first, nineteen hundred and eighty-six.

01/01/86	H. Referred to the committee on ELECTION LAWS
01/06/87	H. Reported, but no further action taken

S. 483 Of Royal L. Bolling, Sr., for legislation relative to prescription drug education and the filling of prescription drugs.

01/01/86	S. Referred to the committee on HEALTH CARE
06/09/86	S. Ought NOT to pass (under Joint Rule 10) and referred to the committee on SENATE STEERING AND POLICY -SJ 781
06/23/86	S. Report accepted -SJ 892

S. 334 Of Royal L. Bolling, Sr., for legislation relative to voter registration.

01/01/86	S. Referred to the committee on ELECTION LAWS
04/30/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 356
01/06/87	S. No report from committee

S. 302 Of William r. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to equitably reimburse cities and twons for the cost of transporting pupils.

01/01/86	S. Referred to the committee on EDUCATION
04/14/86	H. Accompanied a study resolve, see H5535

H. 5535 Resolve increasing the scope of the special commission on Local Aid.

04/14/86	H. Reported from the committee on EDUCATION
04/14/86	H. Resolve reported favorably by committee and referred to the committee on JOINT RULES -HJ 359

S. 630 Of Jack H. Backman, A. Joseph DeNucci, Kevin W. Fitzgerald, Frederick E. Berry, Nicholas J. Costello, Charles F. Flaherty, Barbara Hildt, George Bachrach, Mary L. Padula, Richard T. Moore, Patricia G. Fiero, William E. Moriarty, Frances F. Alexander, William G. Robinson, John A. Businger, Thomas M. Gallagher, Philip Travis, William B. Golden, Marie E. Howe, Royal L. Bolling, Sr., and Dvid P. Magnani for legislation to prohibit placement of children on adult wards of mental institutions.

01/01/86 S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
04/28/86 S. Accompanied a new draft, see S1832 -SJ 348

S. 1832 Bill to prohibit placement of children on adult wards of mental institutions.

04/28/86 S. Reported from the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
04/28/86 S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 348
06/10/86 S. Referred to the committee on SENATE STEERING AND POLICY -SJ 804
06/18/86 S. New draft substituted, see S1989 -SJ 860

S. 1909 Bill to prohibit the placement of children on adult wards of mental institutions.

06/10/86 S. Reported from the committee on SENATE WAYS AND MEANS
06/10/86 S. Referred to the committee on SENATE STEERING AND POLICY -SJ 804
06/19/86 H. Read; and referred to the committee on HOUSE WAYS AND MEANS -HJ 1104

H. 5410 Of George Keverian, Francis X. Bellotte, Kevin P. Blanchette and Royal L. Bolling, Sr., relative to mandatory retirement of public employees in the Commonwealth.

02/06/86 H. Referred to the committee on JOINT RULES, reported, rules suspended and referred to the committee on PUBLIC SERVICE -HJ 32
04/28/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 482
06/03/86 S. Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 749
01/06/87 S. No report from committee

S. 237 Of Royal L. Bolling, Sr., for legislation to establish a literary training, research and development center at Roxbury Community College.

01/01/86	S.	Referred to the committee on EDUCATION
04/03/86	S.	Discharged to the committee on SENATE WAYS AND MEANS -SJ 234
01/06/87	S.	No report from committee

S. 239 Of Royal L. Bolling, Sr., for legislation to establish the position of voter registration specialist for youth in the public schools of the Commonwealth.

01/01/86	S.	Referred to the committee on EDUCATION
03/31/86	S.	Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY
04/02/86	S.	Report accepted -SJ 218

S. 117 Of John W. Olver, George Bachrach, Salvatore R. Albano, Mary L. Padula and Royal L. Bolling, Sr., for legislation to make state regulatory agencies more accountable to the public.

01/01/86	S.	Referred to the committee on COMMERCE AND LABOR
03/18/86	H.	Discharged to the committee on STATE ADMINISTRATION -HJ 149
09/23/86	H.	Accompanied a new draft, see H6278

H. 6278 Bill to make state regulatory agencies more accountable to the public.

09/23/86	H.	Reported from the committee on STATE ADMINISTRATION
09/23/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1447

S. 75 Of Royal L. Bolling, Sr., George Bachrach, Salvatore R. Albano, Jack H. Backman, Nicholas J. Costello and other members of the Senate for legislation relative to discrimination on the basis of sexual orientation.

01/01/86	S.	Referred to the committee on COMMERCE AND LABOR
01/06/87	H.	Reported, but no further action taken

S. 1690 Of Royal L. Bolling, Sr., for legislation to provide for "life-line" banking services.

01/01/86	S.	Referred to the commitee on JOINT RULES
02/24/86	S.	Referred to the committee on BANKS AND BANKING -SJ 68
05/05/86	S.	Accompanied a study order, see S1855 -SJ 388

S. 1855 Order relative to authorizing the joint committee on Banks and Banking to sit during the current session and during recess of the General Court for the purpose of making an investigation and study of certain current Senate and House documents relative to so-called "life-line" banking accounts

offered by state and federally-chartered banks in the Commonwealth and other related matters.

05/05/86	S.	Reported from the committee on BANKS AND BANKING
05/05/86	S.	Order reported favorably by committee and referred to the committee on JOINT RULES -SJ 388
05/07/86	S.	Discharged to the committee on SENATE RULES -SJ 416
01/06/87	S.	No report from committee

S. 1500 Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to change the method by which the amount of payment in lieu of taxes to the city of Boston for the Government Center is determined.

01/01/86	S.	Referred to the committee on TAXATION
05/08/86	H.	Accompanied a new draft, see H5668

H. 5668 Bill to more equitably reimburse the city of Boston for tax revenues lost due to Government Center.

05/08/86	H.	Reported from the committee on TAXATION
05/08/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 696

S. 241 Of Royal L. Bolling, Sr., and Gerard D'Amico for legislation relative to the allocation of Horace Mann teachers under the education reform act of 1985.

01/01/86	S.	Referred to the committee on EDUCATION
03/31/86	S.	Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY
04/02/86	S.	Report accepted -SJ 218

S. 1494 Of William R. Keating, Royal L. Bolling, Sr., Joseph B. Walsh and George Bachrach for legislation to provide for the uniform determination of appeals of utility companies in cases before the Appellate Tax Board concerning the correct classification of certain taxable property.

01/01/86	S.	Referred to the committee on TAXATION
04/22/86	S.	Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 330
06/02/86	S.	Report accepted -SJ 735

S. 238 Of Royal L. Bolling, Sr., for legislation to provide for the establishment of an institute for community analysis and development at Roxbury Community College.

01/01/86	S.	Referred to the committee on EDUCATION

04/07/86	S. Discharged to the committee on SENATE WAYS AND MEANS -SJ 234
01/06/87	S. No report from committee

S. 240 Of Royal L. Bolling, Sr., for legislation relative to the membership of the Board of Regents of Higher Education.

01/01/86	S. Referred to the committee on EDUCATION
04/07/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 243
01/06/87	S. No report from committee

S. 74 Of Kathleen Kelley and Royal L. Bolling, Sr., for legislation to provide for the continuation of the terms and conditions of a collective bargaining agreement during the period of renegotiation.

01/01/86	S. Referred to the committee on COMMERCE AND LABOR
05/05/86	S. Discharged to the committee on PUBLIC SERVICE -SJ 404
05/15/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 516
01/06/87	S. No report from committee

S. 1287 Of William R. Keating, Royal L. Bolling, Sr., Joseph B. walsh and George Bachrach for legislation to provide for reimbursement to cities and towns for certain pension costs.

01/01/86	S. Referred to the committee on PUBLIC SERVICE
06/05/86	H. Accompanied a study order, see H5897

S. 1259 Of Royal L. Bolling, Sr., and Joseph M. Bonavita for legislation to provide employee pension contribution deductions upon the date of employment.

01/01/86	S. Referred to the committee on PUBLIC SERVICE
06/05/86	H. Accompanied a study order, see H5897

S. 1258 Of Royal L. Bolling, Sr., and Joseph M. Bonavita for legislation relative to option (C) of the retirement laws of the Commonwealth.

01/01/86	S. Referred to the committee on PUBLIC SERVICE
06/05/86	H. Accompanied a study order, see H5897

H. 5897 Order relative to increasing the scope of the joint special committee established to make an investigation and study of the public employees contributory retirement law.

06/05/86	H. Reported from the committee on PUBLIC SERVICE

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(CONTINUE PAGE TWENTY-THREE)

06/05/86	H.	Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1011
11/17/86	H.	Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MENAS -HJ 1693
11/20/86	H.	Reported (in part) by S1165 -HJ 1720

S. 1346 Of Royal L. Bolling, Sr., for legislation relative to state licensing procedures.

01/01/86	S.	Referred to the committee on STATE ADMINISTRATION
04/24/86	S.	Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 341
05/12/86	S.	Report accepted -SJ 492

S. 1264 Of Royal L. Bolling, Sr., for legislation to allow members of certain police departments to be placed in the appropriate pay step which coincides with the nmber of years previously served as a police officer, upon transfer or reinstatement, to the Capitol Police Department.

01/01/86	S.	Referred to the committee on PUBLIC SERVICE
03/20/86	S.	Accompanied a new draft, see S1229 -SJ 135

S. 1229 Bill allowing members of certain police departments to be placed in the appropriate pay step which coincides with the number of years previously served as a police officer, or upon transfer or reinstatement, to the Capitol Police Department.

03/20/86	S.	Reported from the committee on PUBLIC SERVICE
03/20/86	S.	Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 135
01/06/87	S.	No report from committee

S. 1263 Of Royal L. Bolling, Sr., for legislation to provide certain retirement benefits for Ricardo Sultis, a police officer of the Metropolitan District Commission.

01/01/86	S.	Referred to the committee on PUBLIC SERVICE
04/07/86	S.	Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 243
01/06/87	S.	No report from committee

S. 1344 Of Royal L. Bolling, Sr., and Joseph M Bonavita for legislation to establish standards for certain contracts.

01/01/86	S.	Referred to the committee on STATE ADMINISTRATION
05/06/86	H.	Accompanied H124

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(CONTINUE PAGE TWENTY-FOUR)

H. 124	So much of the recommendations of the Office of the Inspector General as relates to improving the system of public construction in the Commonwealth.
01/01/86	H. Referred to the committee on STATE ADMINISTRATION
05/06/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 632

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H. 6376 PETITION

Of Sherman W. Saltmarsh, Jr., Stephen J. Karol, Royal L. Bolling, Jr., and William Q. MacLean, Jr., for legislation to further regulate the use of certain railroad rights of way.

10/07/86 H. Referred to the committee on JOINT RULES, reported, rules suspended and referred to the committee on TRANSPORTATION -HJ 1546
10/22/86 S. Read; and referred to the committee on SEANATE WAYS AND MEANS -SJ 1383
01/06/87 S. No report from committee

11/26/86 Of W. Paul White, Royal L. Bolling, Jr., Thomas M Finneran, James T. Brett and Salvatore F. DiMasi relative to the salaries of the members of the Boston licensing boards.

11/26/86 H. Referred to the committee on LOCAL AFFAIRS -HJ 1750
01/06/87 H. Ought NOT to pass (under Joint Rule 10) and no action taken

H. 4648 Of Royal L. Bolling, Jr., that the Department of Public Safety be directed to establish a local barracks of the Division of State Police in the Mattapan section of the city of Boston.

01/06/86 H. Referred to the committee on PUBLIC SAFETY
04/28/86 H. Report accepted -HJ 500

H. 3272 Of Royal L. Bolling, Jr., for legislation to assist tourist councils in marketing Massachusetts as a visitor distination.

01/02/86 H. Referred to the committee on STATE ADMINISTRATION
03/19/86 H. Report accepted -HJ 170

H. 3285 Of Royal L. Bolling, Jr., relative to authorizing the establishment of urban enterprise zones in the Commonwealth.

01/02/86 H. Referred to the committee on TAXATION
06/03/86 H. Accompanied H2347

H. 2729 Of Royal L. Bolling, Jr., for legislation to authorize tax increment financing of economic development and revitalization projects.

01/02/86 H. Referred to the committee on TAXATION
06/03/86 H. Accompanied H2347

H. 2347 Of John H. Flood and other members of the General Court for legislation to authorize tax increment financing of economic development and revitalization projects.

REP. ROYAL L. BOLLING, JR.
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01/02/86	H. Referred to the committee on TAXATION
06/03/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJs 975-976

H. 3251 Of Royal L. Bolling, Jr., that the Registrar of Motor Vehicles be authorized to issue registration plates with a logo stating "Where It Began" and the silhouette of a minuteman.

01/02/86	H. Referred to the committee on PUBLIC SAFETY
04/28/86	H. Report accepted -HJ 499

H. 3221 Of Royal L. Bolling, Jr., for legislation to expand the exclusive orginal jurisdiction of the Land Court.

01/02/86	H. Referred to the committee on THE JUDICIARY
05/29/86	H. Accompanied H2066

S. 2066 Of William B. Golden, Nicholas J. Costello, Lawrence R. Alexander, Salvatore R. Albano and other members of the General Court for legislation to further define nuclear power plant areas.

07/11/86	S. Referred to the committee on JOINT RULES
07/11/86	S. Referred to the committee on ENERGY
10/01/86	S. Ought NOT to pass (under Joint Rule 10) and referred to the committee on SENATE STEERING AND POLICY -SJ 1278
10/23/86	S. Recommitted to the committee on ENERGY -SJ 1409
11/20/86	S. Accompanied a new draft, see S2183 -SJ 1469

S. 2183 Bill requiring local approval of radiological emergency response plans.

11/20/86	S. Reported from the committee on ENERGY
11/20/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 1469
01/06/87	S. No report from committee

H. 3160 Of Royal L. Bolling, Jr., for a change in the law relative to voter registration.

01/02/86	H. Referred to the committee on ELECTION LAWS
01/06/87	H. Reported, but no further action taken

H. 3200 Of Royal L. Bolling, Jr., for legislation to increase the standard of need in the aid to families with dependent children program.

01/02/86	H. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS

REP. ROYAL L. BOLLING, JR.
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05/27/86 H. Accompanied H3205

H. 3205 Of Marjorie A. Clapprood and other members of the General Court for legislation to ensure minimally adequate grants for recipients of aid for families with dependent children and general relief.

01/02/86 H. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/27/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 901

H. 3193 Of Royal L. Bolling, Jr., for legislation to amend a master deed under the condominium law of the Commonwealth.

01/02/86 H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
06/24/86 H. Accompanied a study order, see H6068

H. 2994 Of Thomas M. Gallagher and other members of the General Court relative to requiring disclosure of condominium or cooperative conversion rights to prospective purchasers.

01/02/86 H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
06/24/86 H. Accompanied a study order, see H6068

H. 6068 Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain Senate and House documents concerning condominium conversion and other related matters.

06/24/86 H. Reported from the committee on HOUSING AND URBAN DEVELOPMENT
06/24/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1143
11/13/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1683

H. 3153 Of Royal L. Bolling, Jr., for legislation to provide for mandated guidance counseling services for students at all grade levels in the public schools in the Commonwealth.

01/02/86 H. Referred to the committee on EDUCATION
05/14/86 H. Accompanied a study resolve, see H5699

H. 3513 Of Barbara Hildt and other members of the General Court for legislation to establish a program for guidance counseling services for students in public schools in the Commonwealth.

01/02/86 H. Referred to the committee on EDUCATION
05/14/86 H. Accompanied a study resolve, see H5699

H. 5699 Resolve increasing the scope of the special commission established to study the levels and manner of compensation of public elementary and secondary school teachers in the Commonwealth.

05/14/86 H. Reported from the committee on EDUCATION
05/14/86 H. Resolve reported favorably by committee and referred to the committee on JOINT RULES -HJ 761

H. 2987 Of Emanuel G. Serra, John E. McDonough, Thomas M. Gallagher, Michael F. Flaherty, Thomas M. Finneran and Royal L. Bolling, Jr., for legislation to further regulate the acquisition or construction of municipal gas or electric companies.

01/02/86 H. Referred to the committee on GOVERNMENT REGULATIONS
06/19/86 H. Accompanied a study order, see H6013

H. 6013 Order relative to authorizing the committee on Government Regulations to make an investigation and study of certain Senate and House documents concerning public utilities and services provided such utility companies and other related matters.

06/19/86 H. Reported from the committee on GOVERNMENT REGULATIONS
06/19/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1105
11/13/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1682

H. 3131 Of Royal L. Bolling, Jr., relative to the clarification of certain definitions, powers and duties of the State Office of Minority Business Assistance.

01/02/86 H. Referred to the committee on COMMERCE AND LABOR
06/05/86 H. Accompanied H2178
See Rep. Byron Rushing

H. 2731 Of Royal L. Bolling, Jr., that cities and towns be reimbursed by the Commonwealth for tax exempt property in such cities or towns.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 2732 Of Royal L. Bolling, Jr., for legislation to increase the amount of local aid available for distribution to cities and towns.

01/02/86	H.	Referred to the committee on TAXATION
06/12/86	H.	Accompanied a study resolve, see H5971 See Senator Royal L. Bolling, Sr.

H. 2730 Of Royal L. Bolling, Jr., for legislation to provide increased state mardeting support to regional tourist councils by the imposition of a room occupancy excise tax.

01/02/86	H.	Referred to the committee on TAXATION
06/16/86	H.	Accomapnied a study resolve, see H5972 See Senator Royal L. Bolling, Sr.

H. 2710 Of Royal L. Bolling, Jr., for legislation to raise the amount of construction contracts under which a bidder is exempt from the state finance law.

01/02/86	H.	Referred to the committee on STATE ADMINISTRATION
05/07/86	H.	Accompanied a study order, see H5646 See Rep. Saundra Graham

H. 2689 Of Royal L. Bolling, Jr., for legislation to authorize the creation of the position of lieutenant in the Capitol Police.

01/02/86	H.	Referred to the committee on PUBLIC SERVICE
03/20/86	S.	Accompanied a new draft, see S1229 -SJ 135 See Senator Royal L. Bolling, Sr.

H. 2711 Of Royal L. Bolling, Jr., relative to establishing the small contractors' resource program for public construction.

01/02/86	H.	Referred to the committee on STATE ADMINISTRATION
05/05/86	H.	Report accepted -HJ 613

H. 2712 Of Royal L. Bolling, Jr., relative to the maintenance of public buildings.

01/02/86	H.	Referred to the committee on STATE ADMINISTRATION
03/24/86	H.	Accompanied H1578

H. 1578 Of Joan M. Menard and Theodore J. Aleixo, Jr., relative to the maintenance of public buildings.

01/01/86	H.	Referred to the committee on STATE ADMINISTRATION
03/24/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE COUNTIES -HJ 185
06/24/86	H.	Discharged to the committee on HOUSE WAYS AND MEANS
07/09/86	S.	Read; and referred to the committee on SENATE COUNTIES -SJs 1048-1049

01/16/86	S.	Ought NOT to pass (under Joint Rule 10) and referred to the committee on SENATE STEERING AND POLICY -SJs 1364-1365
10/22/86	S.	Referred (under Senate Rule 27) to the committee on SENATE WAYS AND MEANS -SJ 1391
12/05/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY
01/06/87	S.	No further action taken

H. 2728 Of Royal L. Bolling, Jr., that net proceeds from the excise imposed upon deeds, instruments and writings in Suffolk County be distributed to the city of Boston.

01/02/86	H.	Referred to the committee on TAXATION
06/16/86	H.	Accompanied a study resolve, see H5972
		See Senator Royal L. Bolling, Sr.

H. 2727 Of Royal L. Bolling, Jr., for legislation to increase the funding for tourism promotion through utilization of the tax on hotel rooms.

01/02/86	H.	Referred to the committee on TAXATION
06/16/86	H.	Accompanied a study resolve, see H5972
		See Senator Royal L. Bolling, Sr.

H. 2688 Of Royal L. Bolling, Jr., that certain municipal police departments be required to submit annual reports to the Governor of the Commonwealth detailing the use of employees of such departments during the preceding year.

01/02/86	H.	Referred to the committee on PUBLIC SERVICE
03/31/86	H.	Report accepted -HJ 236

H. 2639 Of Royal L. Bolling, Jr., for change in the law relative to the Assurance Fund of the Land Court.

01/02/86	H.	Referred to the committee on THE JUDICIARY
05/29/86	H.	Accompanied H2067

H. 2067 Of Thomas F. Brownell and others for legislation to regulate the use of the Assurance Fund of the Land Court.

01/01/86	H.	Referred to the committee on THE JUDICIARY
07/15/86	S.	Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1136
11/26/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY
12/29/86	H.	Referred to the committee on HOUSE BILLS IN THE THIRD READING -HJ 1887

REP. ROYAL L. BOLLING, JR.
(CONTINUE PAGE SEVEN)

01/06/87	H. No further action taken
H. 2603	Of Royal L. Bolling, Jr., that provision be made for greater voter participation by permitting registration on election day.
01/02/86	H. Referred to the committee on ELECTION LAWS
06/04/86	H. Accompanied a study order, see H5882
H. 5882	Order relative to authorizing the committee on Election Laws to make an investigation and study of certain Senate and House documents concerning voter registration in the Commonwealth.
06/04/86	H. Reported from the committee on ELECTION LAWS
06/04/86	H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 989
11/13/86	H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1678
H. 4482	Of Royal L. Bolling, Jr., and Royal L. Bolling, Sr., that the Registry of Motor Vehicles be directed to establish a local office in the Mattapan section of the city of Boston.
01/06/86	H. Referred to the committee on PUBLIC SAFETY
04/28/86	H. Report accepted -HJ 500
H. 3263	Of Royal L. Bolling, Jr., relative to the civil service classification of detectives in certain cities and towns.
01/02/86	H. Referred to the committee on PUBLIC SERVICE
05/14/86	H. Accompanied a study resolve, see H5707
H. 1167	Of Michael F. Flaherty, Kevin W. Fitzgerald and Royal L. Bolling, Jr., relative to the rights of detectives to a fair hearing as a result of a transfer from the rank of detective.
01/01/86	H. Referred to the committee on PUBLIC SERVICE
05/14/86	H. Accompanied a study resolve, see H5707
H. 5707	Resolve providing for an investigation and study by a special commission relative to the civil service law of the Commonwealth.
05/14/86	H. Reported from the committee on PUBLIC SERVICE
05/14/86	H. Resolve reported favorably by committee and referred to the committee on JOINT RULES -HJs 762-763

REP. ROYAL L. BOLLING, JR.
(CONTINUE PAGE EIGHT)

H. 2602	Of Royal L. Bolling, Jr., for an investigation by a special commission (including members of the General Court) relative to improving present registration methods and registration by mail in the Commonwealth.
01/02/86	H. Referred to the committee on ELECTION LAWS
01/06/87	H. Reported, but no further action taken

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REPRESENTATIVE GLORIA FOX

REPRESENTATIVE GLORIA L. FOX

H. 3314 PETITION

Of Gloria L. Fox, other members of the General Court and another relative to improving and expanding existing employment programs in order to alleviate unemployment.

01/02/86 H. Referred to the committee on COMMERCE AND LABOR
06/04/86 H. Accompanied H2185

H. 2185 Of Kenneth M. Lemanski for an investigation and study by the committee on Commerce and Labor relative to employment training laws in the Commonwealth.

01/01/86 H. Referred to the committee on COMMERCE AND LABOR
06/04/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 989
11/13/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1676
01/06/87 H. No report from committee

H. 3267 Of Patricia G. Fiero, William B. Vernon, Barbara E. Gray and Gloria L. Fox relative to the eligibility of certain persons under the contributory retirement law.

01/02/86 H. Referred to the committee on PUBLIC SERVICE
06/05/86 H. Accompanied a study order, see H5897
See Senator Royal L. Bolling, sr.

H. 3013 Of thomas M. Gallagher, John E. McDonough, Geoffrey C. Beckwith, Gloria L. Fox and Kevin W. Fitzgerald for legislation to extend stay of proceedings to residents of lodging houses and rooming houses.

01/02/86 H. Referred to the committee on THE JUDICIARY
06/09/86 H. Bills in the Third Reading new draft substituted, see H5920 -HJ 1030

H. 5920 Bill relative to extending stay of proceedings in summary process actions to certain residents of lodging houses and rooming houses.

06/09/86 H. Reported from the committee on HOUSE BILLS IN THE THIRD READING
06/10/86 S. Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 808
10/16/86 G. Signed by the Governor, Chapter 452 Acts

REP. GLORIA L. FOX
(CONTINUE PAGE TWO)

H. 1109	Of John E. McDonough, Gloria L. Fox, Byron Rushing, Kevin W. Fitzgerald and Eleanor Myerson for legislation to provide access to medical care for elderly, poor and disabled persons.
01/01/86	H. Referred to the committee on HEALTH CARE
05/22/86	H. Accompanied H2446
H. 2446	Of John C. McNeil for an investigation and study by the committee on Health Care of the impact of the medical provider participation system between the Massachusetts Medical Society and the Commonwealth.
01/02/86	H. Referred to the committee on HEALTH CARE
05/22/86	H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 889
11/13/86	H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1676

LEGISLATION SPONSORED

BY

REPRESENTATIVE SAUNDRA GRAHAM

REPRESENTATIVE SAUNDRA GRAHAM

H. 1061 PETITION

Of Saundra Graham and Stephen W. Doran for legislation to establish a standard for advancement of certain apprentices in the labor force.

01/01/86 H. Referred to the committee on COMMERCE AND LABOR
06/05/86 H. Accompanied H2173

H. 2173 Of Kenneth M. Lemanski for an investigation and study by the committee on Commerce and Labor relative to the labor relations laws in the Commonwealth.

01/02/86 H. Referred to the committee on COMMERCE AND LABOR
06/05/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1009
11/13/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1676

H. 396 Of Saundra Graham that the deputy commissioner of Capital Planning and Operations be authorized to selland convey a certain parcel of land in the city of Cambridge.

01/01/86 H. Referred to the committee on STATE ADMINISTRATION
02/24/86 H. Report accepted -HJ 66

H. 528 Of Saundra Graham, Kevin W. Fitzgerald, Thomas F. Brownell, John E. McDonough and Thomas M. Gallagher for legislation to protect the residents of existing public housing developments.

01/01/86 H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/19/86 H. Report accepted -HJ 822

H. 920 Of Patricia G. Fiero, A. Joseph DeNucci, Barbara Hildt, Barbara E. Gray, Carmen D. Buell and Saundra Graham relative to the eligibility for medical assistance of certain preganant minors.

01/01/86 H. Referred to the committee on HEALTH CARE
03/24/86 H. Accompanied a new draft, see H5437

H. 5437 Bill relative to providing healthy starts for pregnant women and minors.

03/24/86 H. Reported from the committee on HEALTH CARE
03/24/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJs 185-186
09/23/86 H. Substituted by H6267 -HJ 1458

H. 6267	Bill relative to providing healthy starts for pregnant women and minors.
09/22/86	H. Reported from the committee on HOUSE WAYS AND MEANS
10/01/86	H. Bills in the Third Reading new draft substituted, see H6342 -HJ 1523
H. 6342	Bill providing medical care and assistance for certain pregnant women and minors.
10/01/86	H. Reported from the committee on HOUSE BILLS IN THE THIRD READING
10/02/86	S. Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1302
01/06/87	S. No report from committee
H. 395	Of Saundra Graham for legislation to provide for subcontracts to minority-owned and women-owned businesses in the Commonwealth.
01/01/86	H. Referred to the committee on STATE ADMINISTRATION
05/07/86	H. Accompanied a study order, see H5646
H. 5646	Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning the awarding of public construction contracts and other related matters.
05/07/86	H. Reported from the committee on STATE ADMINISTRATION
05/07/86	H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJs 662-663
11/13/86	H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1677
H. 384	Of Saundra Graham for legislation to authorize the appointment of a director of alternative sentencing by the chief probation officer in each county of the Commonwealth.
01/01/86	H. Referred to the committee on PUBLIC SERVICE
05/05/86	H. Discharged to the committee on CRIMINAL JUSTICE -HJ 592
10/06/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1535
H. 1487	Of Kevin P. Blanchette, John A. Businger, John E. McDonough, Thomas M. Gallagher, Saundra Graham, Charles F. Flaherty and another for legislation to require just cause for termination of residential tenancies.
01/01/86	H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT

10/15/86 H. Recommitted to the committee on HOUSING AND URBAN DEVELOPMENT -HJ 1594
01/06/87 H. Ought NOT to pass (under Joint Rule 10) and no action taken

H. 3273 Of Royal L. Bolling, Jr., for legislation to provide for the waiver of performance bonds, quality bonds, labor and materials or payment bond requirements on public contracts of fifty thousand dollars or less.

01/02/86 H. Referred to the committee on STATE ADMINISTRATION
05/07/86 H. Accompanied a study order, see H5646
See Rep. Saundra Graham's legislation

. 5548 Of Saundra Graham and other members of the House for adoption of resolutions urging the President and Congress of the United States to amend the Immigration and Nationality Act with respect to the grounds for exclusion and deportation of aliens.

02/20/86 H. Referred to the committee on JOINT RULES -HJ 55
04/14/86 H. Reported, rules suspended and referred to the committee on FEDERAL FINANCIAL ASSISTANCE -HJ 358
05/27/86 H. Pending motion to reconsider negatived - YEAS 55, NAYS 83 [See Yea and Nay in Supplement, No. 225] -HJ 911

S. 1013 Consolidated petition of Paul J. Sheehy, Susan F. Rourke, Michael LoPresti, Jr., George Bachrach, Saundra Graham, Charles F. Flaherty, Peter A. Vellucci, Thomas C. Norton, Salvatore Ciccarelli, Jack H. Backman, William R. Keating, William Q. Maclean, Jr., Walter J. Boverini, Royal L. Bolling, Sr., Royal L. Bolling, Jr.,, John R. Driscoll, Thomas P. White and Charles Robert Doyle for legislation to establish May twenty-ninth as a legal holidy.

03/03/86 S. Referred to the committee on THE JUDICIARY
05/19/86 S. Accompanied a study resolve, see S1926 -SJ 537

S. 1926 Resolve increasing the scope of the special commission established to make an investigation and study relative to establishing a suitable memorial to President John F. Kennedy.

05/19/86 S. Reported from the committee on THE JUDICIARY
05/19/86 S. Resolve reported favorably by committee and referred to the committee on JOINT RULES -SJ 537
06/02/86 S. Discharged to the committee on SENATE RULES -SJ 726
01/06/87 S. No report from committee

H. 345 Of Saundra Graham for legislation to authorize attorneys to participate in the questioning of prospective jurors.

REP. SAUNDRA GRAHAM
(CONTINUE PAGE FOUR)

01/01/86	H.	Referred to the committee on THE JUDICIARY
04/29/86	H.	Report accepted -HJ 534

H. 326 Of Saundra Graham for legislation to provide for adequate protective day care services for children.

01/01/86	H.	Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/2/786	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 941

H. 318 Of Saundra Graham for legislation to establish procedures for rent increases in housing financed by the Massachusetts Housing Finance Agency.

01/01/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
01/06/87	H.	Ought NOT to pass (under Joint Rule 10) and no action taken

H. 394 Of Saundra Graham and another for legislation to require child care facilities for low and moderate income employees in certain public buildings.

01/01/86	H.	Referred to the committee on STATE ADMINISTRATION
05/05/86	H.	Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS -HJ 620
06/26/86	S.	Discharged to the committee on SENATE WAYS AND MEANS -SJ 928
01/06/87	S.	No report from committee

H. 287 Of Saundra Graham for legislation to require a statement that real property is either new or used on certain leases.

01/01/86	H.	Referred to the committee on COMMERCE AND LABOR
05/06/86	H.	Report accept -HJ 646

H. 322 Of Saundra Graham relative to the enforcement of fair housing rights and the awarding of damages by the Massachusetts Commission Against Discrimination.

01/01/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/19/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 808

H. 321 Of Saundra Graham relative to modifying the provisions of law providing for the relocation of persons displaced due to the enforcement of certain housing codes.

01/01/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/19/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 808

H. 320	Of Saundra Graham that the Metropolitan District Commission be authorized to close a portion of Memorial Drive in the city of Cambridge on certain Sundays.
01/01/86	H. Referred to the committee on HOUSE AND URBAN DEVELOPMENT
05/19/86	H. Report accepted -HJ 822
H. 319	Of Saundra Graham relative to the enforcement of fair housing by the Board of Registration of Real Estate Brokers and Salesmen.
01/01/86	H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
01/06/87	H. No further action taken
H. 280	Of Suandra Graham for legislation to require the State Treasurer to invest Commonwealth funds in banks doing business and having an office in the Commonwealth.
01/01/86	H. Referred to the committee on BANKS AND BANKING
03/19/86	H. Report accepted -HJ 168
S. 1357	Of Argeo Paul Cellucci, Thomas J. Vallely, Stephen W. Doran, John F. MacGovern, Mary Jane McKenna, Saundra Graham, Jonathan L. Healy and Henri S Rauschenbach for legislation relative to the payment of wages in public construction contracts.
01/01/86	S. Referred to the committee on STATE ADMINISTRATION
04/24/86	S. Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 341
05/12/86	S. Report accepted -SJ 492
S. 811	Of Frederick E. Berry, George Bachrach, Barbara E. Gray and Saundra Graham for legislation relative to attorneys fees in civil rights actions.
01/01/86	S. Referred to the committee on THE JUDICIARY
04/30/86	S. Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 358
01/06/87	S. No further action taken
S. 758	Of John Patrick Houston, Linda J. Melconian, Thomas M. Gallagher and Saundra Graham for legislation to require fair and open insurance agent licensing exams.
01/01/86	S. Referred to the committee on INSURANCE
05/12/86	S. Discharged to the committee on SENATE WAYS AND MEANS -SJ 471
06/16/86	S. Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 847
01/06/87	S. No further action taken

REP. SAUNDRA GRAHAM
(CONTINUE PAGE SIX)

S. 230 Of Jack H. Backman, Barbara Hildt, Saundra Graham and Salvatore R. Albano for legislation to provide day care services for children being instructed at the elementary level of education.

01/01/86 S. Referred to the committee on EDUCATION
04/07/86 S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 243
01/06/87 S. No report from committee

S. 627 Of Jack H. Backman, Barbara Hildt, Saundra Graham, Frances F. Alexander and Salvatore R. Albano for legislation relative to the provision of affordable child care.

01/01/86 S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/19/86 S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 538
01/06/87 S. No report from committee

LEGISLATION SPONSORED
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REPRESENTATIVE RAYMOND A. JORDAN

REPRESENTATIVE RAYMOND A. JORDAN

H. 4115 PETITION

Of Raymond A. Jordan, Jr., Saundra Graham, Stephen W. Doran, Gloria L. Fox and Patricia G. Fiero for legislation to regulate recounts in municipal elections.

01/06/86 H. Referred to the committee on ELECTION LAWS
05/07/86 H. Report accepted -HJ 667

H. 4199 Of Raymond A. Jordan, Jr., other members of the General Court and another relative to bids and contracts for state printing.

01/06/86 H. Referred to the committee on STATE ADMINISTRATION
04/22/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 456

H. 4059 Of Raymond A. Jordan, Jr., and other members of the General Court for legislation to require banks and credit unions to notify debtors on whom said bank or credit union is holding a disability insurance policy.

01/06/86 H. Referred to the committee on BANKS AND BANKING
05/19/86 H. Report accepted -HJ 820

H. 4058 Of Raymond A. Jordan, Jr., and other members of the General Court relative to requiring banks to notify insured debtors of an amendment to or cancellation of a group accident and health insurance policy.

01/06/86 H. Referred to the committee on BANKS AND BANKING
05/19/86 H. Report accepted -HJ 820

S. 210 Of Linda J. Melconian, John P. Burke, Martin T. Reilly, Raymond A. Jordan, Jr., Joan M. Menard, Paul E. Caron and Michael LoPresti, Jr., for legislation relative to false reports of child abuse.

01/01/86 S. Referred to the committee on CRIMINAL JUSTICE
04/30/86 S. Bill reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 358
01/06/87 S. No further action taken

H. 6214 Of Athan Catjakis, Raymond A. Jordan, Jr., Anthony M. Scibelli, Paul E. Caron and Robert L. Howarth (with the approval of the mayor and city council) relative to the appointment of police cadets to the police department of the city of Springfield.

08/14/86 H. Referred to the committee on PUBLIC SERVICE -HJ 1382
01/06/87 H. Extension order pending and no report from committee

REP. RAYMOND A. JORDAN, JR.
(CONTINUE PAGE TWO)

H. 4148	Of Raymond A. Jordan, Jr., and Saundra Graham relative to the location of a regional office of the Office for Children in the city of Springfield.
01/06/86	H. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
04/30/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 547
H. 6403	Of Richard E. Neal (mayor), Athan Catjakis, Raymond A. Jordan, Jr., Paul E. Caron, Anthony M. Scibelli and Robert L. Howarth (with the approval of the mayor and city council) relative to the payment of funeral and burial expenses of fire fighters and police officers employed by the city of Springfield who are killed while in the performance of duty.
10/16/86	H. Referred to the committee on LOCAL AFFAIRS
01/06/87	H. No further action taken
H. 4185	Of Raymond A. Jordan, Jr., Linda J. Melconian, and Gloria L. Fox relative to the appointment and removal of court officers of certain Superior Courts.
01/06/86	H. Referred to the committee on PUBLIC SERVICE
05/28/86	H. Accompanied a new draft, see H5819
H. 5819	Bill relative to the appointment of certain officers of the courts of the Commonwealth.
05/28/86	H. Reported from the committee on PUBLIC SERVICE
05/28/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 923
H. 4184	Of Raymond A. Jordan, Jr., and Saundra Graham relative to the appointment of three additional assistanct clerks in the Hampden County Superior Court.
01/06/86	H. Referred to the committee on PUBLIC SERVICE
05/06/86	H. Discharged to the committee on THE JUDICIARY -HJ 630
06/10/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1043
H. 4148	Of Raymond A. Jordan, Jr., and Saundra Graham relative to the location of a regional office of the Office for Children in the city of Springfield.
01/06/86	H. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
04/30/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 547

REP. RAYMOND A. JORDAN, JR.
(CONTINUE PAGE THREE)

H. 4112	Of Raymond A. Jordan, Jr., Iris K. Holland, James G. Collins, Stephen W. Doran and another for legislation to designate and staff the school library media center as a teaching station.
01/06/86	H. Referred to the committee on EDUCATION
04/30/86	H. Report accepted -HJ 556
H. 4111	Of Raymond A. Jordan, Jr., Iris K. Holland, James G. Collins, Stephen W. Doran, Walter A. DeFilippi and another for legislation to improve the public schools of the Commonwealth.
01/06/86	H. Referred to the committee on EDUCATION
03/18/86	H. Report accepted -HJ 160
H. 4098	Of Raymond A. Jordan, Jr., and Stephen W. Doran for legislation to reorganize the county cooperative extension services in Berkshire, Essex, Franklin, Hampden, Hampshire, Norfolk and Suffolk counties.
01/06/86	H. Referred to the committee on COUNTIES
03/25/86	H. Accompanied a new draft, see H5451
H. 5451	Bill reorganizing the county extension system in Berkshire, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Suffolk and Worcester Counties.
03/25/86	H. Reported from the committee on COUNTIES
03/25/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 199
H. 2194	Of Kenneth M. Lemanski, Martin T. Reilly, Robert L. Howarth, Paul E. Caron, Raymond A. Jordan, Jr., and John P. Burke that the Career Development Institute in the city of Springfield be authorized to approve non-degree granting vocational education programs.
01/02/86	H. Referred to the committee on EDUCATION
01/06/87	H. Ought NOT to pass (under Joint Rule 10) and no action taken
H. 4183	Of Raymond A. Jordan, Jr., and other members of the General Court for legislation to establish a code of fair practice in state employment.
01/06/86	H. Referred to the committee on PUBLIC SERVICE
03/11/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 121

S. 976	Of Linda J. Melconian, Martin T. Reilly, Raymond A. Jordan, Jr., Paul E. Caron and Michael LoPresti, Jr., for legislation relative to the keeping of court records.
01/01/86	S. Referred to the committee on THE JUDICIARY
04/22/86	S. Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 330
05/07/86	S. Report accepted -SJ 442
H. 4184	Of Raymond A. Jordan, Jr., and Saundra Graham relative to the appointment of three additional assistant clerks in the Hampden County Superior Court.
01/06/86	H. Referred to the committee on PUBLIC SERVICE
05/06/86	H. Discharged to the committee on THE JUDICIARY -HJ 630
06/10/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1043
H. 1009	Of Martin T. Reilly, Raymond A. Jordan, Jr., Joan M. Menard and Paul E. Caron for legislation relative to the creation of a children's bill of rights.
01/01/86	S. Referred to the committee on THE JUDICIARY
05/19/86	S. Accompanied a study resolve, see S1925 -SJ 537
S. 1010	Of Marin T. Reilly, Raymond A. Jordan, Jr., Joan M. Menard, Paul E. Caron and Michael LoPresti, Jr., for legislation relative to custody, visitation and access to minor children.
01/01/86	S. Referred to the committee on THE JUDICIARY
05/19/86	S. Accompanied a study resolve, see S1925 -SJ 537
S. 1011	Of Martin T. Reilly, Raymond A. Jordan, Jr., Joan M. Menard, Paul V. Doane and Paul E. Caron for legislation to provide for equalization of services to families in cases involving minor children.
01/01/86	S. Referred to the committee on THE JUDICIARY
05/19/86	S. Accompanied a study resolve, see S1925 -SJ 537
S. 1925	Resolve increasing the scope of the special commission established to make an investigation and study of existing laws and practices relating to divorce and its emotional and economic hardship on families.
05/19/86	S. Reported from the committee on THE JUDICIARY
05/19/86	S. Resolve reported favorably by committee and referred to the committee on JOINT RULES -SJ 537
06/02/86	S. Discharged to the committee on SENATE RULES -SJ 726

REP. RAYMOND A. JORDAN, JR.
(CONTINUE PAGE FIVE)

01/06/87	S.	No report from committee
H. 4140		Of Raymond A. Jordan, Jr., and other members of the General Court relative to increasing the amount of corporation shares the Commonwealth may own of the Massachusetts Community Development Finance Corporation.
01/06/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/05/86	H.	Accompanied a new draft, see H5615
H. 5615		Bill to increase the amount of corporation shares the Commonwealth may own of the Massachusetts Community Development Finance Corporation.
05/05/86	H.	Reported from the committee on HOUSING AND URBAN DEVELOPMENT
05/05/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 595
06/25/86	H.	Substituted by H6041 -HJ 1173
H. 6041		Bill to increase the amount of corporation shares the Commonwealth may own of the Massachusetts Community Development Finance Corporation.
06/23/86	H.	Reported from the committee on HOUSE WAYS AND MEANS
07/08/86	S.	Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1028
12/05/86	S.	Referred to the committee on SENATE STEERING AND POLICY
01/06/87	H.	No further action taken

LEGISLATION SPONSORED
BY
REPRESENTAITVE BYRON RUSHING

REPRESENTATIVE BYRON RUSHING

H. 3315 PETITION

Of Byron Rushing, other memberso of the General Court and another for legislation to establish a minority business development fund.

01/02/86 H. Referred to the committee on COMMERCE AND LABOR
06/05/86 H. Accompanied H2178

H. 2178 Of Kenneth M. Lemanski for an investigation and study by the committee on Commerce and Labor relative to economic development issues in the Commonwealth.

01/02/86 H. Referred to the committee on COMMERCE AND LABOR
06/05/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJs 1009-1010
11/13/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1676

S. 69 Of Jack H. Backman, Nicholas J. Costello, Byron Rushing, Barbara Hildt, Salvatore R. Albano, John A. Businger, Saundra Graham, Thomas M. Gallagher, Marie E. Howe, Royal L. Bolling, Sr., Loretta J. Williams, Carol Brill, Patricia G. Fiero, Frances F. Alexander, David G. Gil, Richard Scobie, Leonard Bloksberg, Berton S. Fliegel, Stephen Baran, Andrew B. Hahn, Eva A. Gil, Gunnar Dybwad, James J. Callahan, Jr., Marty Wyngaarden Krauss, Joan Arches, Constance G. Cutler, J. Kent Boynton, Bernard Michels and Gordon Fellman for a legislative amendment to the Constitution to guarantee employment to every resident of the Commonwealth.

01/01/86 S. Referred to the committee on COMMERCE AND LABOR
05/05/86 H. Proposal reported adversely by committee and placed on file -HJ 605

H. 5740 Of Byron Rushing and other members of the House for adoption of resolutions urging the government of South Africa to indicate its willingness to engage in meaningful political negotiations with that country's black majority.

05/07/86 H. Referred to the committee on JOINT RULES -HJ 660
05/15/86 H. Reported, rules suspended and referred to the committee on FEDERAL FINANCIAL ASSISTANCE -HJ 788
06/25/86 H. Recommitted to the committee on FEDERAL FINANCIAL ASSISTANCE -HJ 1164
07/15/86 S. Referred to the committee on SENATE STEERING AND POLICY -SJ 1137
09/22/86 S. Addopted -SJ 1217

H. 5742 Of Byron Rushing, Gloria L. Fox and another for legislation to prevent the breakup of American Indian families and to establish standards for removing and placing Indian children away from their families.

05/07/86 H. Referred to the committee on JOINT RULES -HJ 660
05/15/86 H. Reported, rules suspended and referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS -HJ 788
06/03/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 974

H. 5741 Of Byron Rushing, Gloria L. Fox and another for legislation to establish Indian housing authorities.

05/07/86 H. Referred to the committee on JOINT RULES -HJ 660
05/15/86 H. Reported, rules suspended and referred to the committee on HOUSING AND URBAN DEVELOPMENT -HJ 788
06/25/86 H. Recommitted to the committee on HOUSING AND URBAN DEVELOPMENT -HJ 1164
09/22/86 H. Recommitted to the committee on HOUSING AND URBAN DEVELOPMENT -HJ 1438
09/24/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1462

H. 4743 Of William B. Vernon, Patricia G. Fiero, Byron Rushing and William Constantino, Jr., That the Commissioner of Education be directed to establish an advance examination for certain students and providing for a "regents' dimploma".

01/06/86 H. Referred to the committee on EDUCATION
05/05/86 H. Report accepted -HJ 617

H. 4187 Of Bryon Rushing, John E. McDonough, Thomas M. Finneran, Salvatore F. DiMasi and Thomas M. Gallagher for legislation to provide for compensation to lacal housing authorities for expenses incurred for contributing to the state retirement system.

01/06/86 H. Referred to the committee on PUBLIC SERVICE
06/05/86 H. Accompanied a study order, see H5897
See Senator Royal L. Bolling, Sr.

H. 5739 Of Byron Rushing, Gloria L. Fox and another for legislation to increase the number of scholarships for native Americans.

05/07/86 H. Referred to the committee on JOINT RILES -HJ 660
05/15/86 H. Reported, rules suspended and referred to the committee on EDUCATION -HJ 788
06/04/86 H. Bill reported favorably by committee as changed and referred to the committee on HOUSE WAYS AND MEANS -HJ 991

REP. BYRON RUSHING
(CONTINUE PAGE THREE)

H. 4186 Of Byron Rushing, John E. McDonough, Thomas M. Finneran, Kevin W. Fitzgerald, Salvatore F. DiMasi and Thomas M. Gallagher relative to the retirement systems of housing authorities.

01/06/86 H. Referred to the committee on PUBLIC SERVICE
06/05/86 H. Accompanied a study order, see H5897
See Senator Royal L. Bolling, Sr.

H. 2721 Of Byron Rushing, John E. McDonough and Gloria L. Fox for an investigation be a special commission (including members of the General Court) relative to the seal and motto of the Commonwealth.

01/02/86 H. Referred to the committee on STATE ADMINISTRATION
05/05/86 H. Recommitted to the committee on STATE ADMINISTRATION -HJ 620
12/03/86 H. Report accepted -HJ 1796

H. 2720 Of Byron Rushing, Gloria L. Fox and John E. McDonough for legislation to establish a commemorative bust in the State House for Donald F. Taylor, Jr.

01/02/86 H. Referred to the committee on STATE ADMINISTRATION
05/05/86 H. Recommitted to the committee on STATE ADMINISTRATION -HJ 620
12/03/86 H. Report accepted -HJ 1796

H. 2709 Of Byron Rushing and Gloria L. Fox that the State Retirement Board be directed to pay a certain sum of money to Herbert E. Tucker, Jr.

01/02/86 H. Referred to the committee on PUBLIC SERVICE
04/16/86 H. Discharged to the committee on HOUSE WAYS AND MEANS -HJ 408
04/22/86 S. Senate concurred -SJ 332

H. 2629 Of Byron Rushing and Gloria L. Fox for legislation to advance eligibility dates for the discharge of prisoners for the purpose of reducing overcrowding in prisons.

01/02/86 H. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/15/86 S. Accompanied S607 -SJ 515

S. 607 Of Jack H. Backman and Barbara Hildt for legislation to reduce prison overcrowding.

01/01/86 S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS

REP. BYRON RUSHING
(CONTINUE PAGE FOUR)

05/15/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 515
01/06/87	S. No report from committee

H. 2624 Of Byron Rushing, John E. McDonough and Gloria L. Fox relative to the prevention of residential displacement under the Massachusetts Health and Educational Facilities Authority Act.

01/02/86	H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/15/86	S. Accompanied S541 -SJ 514

S. 541 Of Frederick E. Berry for legislation relative to the prevention of residential displacement under the Massachusetts Health Educational Facilities Authority Act.

01/01/86	S. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/15/86	S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 514
01/06/87	S. No report from committee

H. 2606 Of Byron Rushing, John E. McDonough and Gloria L. Fox for legislation to require that the register of voters include certain names contained on street lists.

01/02/86	H. Referred to the committee on ELECTION LAWS
01/06/87	H. Reported, but no further action taken

H. 2018 Of the Group Against Smoking Pollution (G.A.S.P.) of Massachusetts, Byron Rushing and other members of the General Court for legislation to require the posting of smoking policies in the workplace.

01/01/86	H. Referred to the committee on HEALTH CARE
06/02/86	H. Bill reported favorably by committee as changed and referred to the committee on HOUSE WAYS AND MEANS -HJ 953
10/14/86	H. Substituted by H6390 -HJ 1585

H. 6390 Bill to require smoking policies in the workplace.

10/09/86	H. Reported from the committee on HOUSE WAYS AND MEANS
01/06/87	H. No further action taken

S. 1384 Of Michael Joseph Connolly, Secretary of the Commonwealth, Martin T. Reilly, Paul J. Sheehy, Gerard D'Amico, Byron Rushing and Michael J. McGlynn for legislation relative to historic districts and landmarks.

01/01/86	S. Referred to the committee on STATE ADMINISTRATION

REP. BYRON RUSHING
(CONTINUE PAGE FIVE)

04/24/86	S.	Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 339
05/15/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 513
09/24/86	S.	Recommitted to the committee on STATE ADMINISTRATION -SJ 1236
10/07/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 1324
01/06/87	S.	No further action taken

S. 372 Of The Group Against Smoking Pollution of Massachusetts, by Edward L. Sweda, Jr., Byron Rushing, Suzanne M. Bump, Paul D. Harold, Lucile P. Hicks and other members of the General Court for the adoption of resolutions memorializing the Congress of the United States to enact legislation to require tobacco companies to reveal to the public a list of the ingredients put into cigaretts.

01/01/86	S.	Referred to the committee on FEDERAL FINANCIAL ASSISTANCE
04/16/86	S.	Accompanied S370 -SJ 296

S. 370 Of the Group Against Smoking Pollution of Massachusetts, by Edward L. Sweda, Jr., Lucile P. Hicks, Suzanne M. Bump, John A. Brennan, Jr., George Bachrach and other members of the General Court for the adoption of resolutions memorializing the Congress of the United States to remove the exemption for tobacco and tobacco products from the Consumer Product Safety Act.

01/01/86	S.	Referred to the committee on FEDERAL FINANCIAL ASSISTANCE
04/16/86	S.	Resolutions reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 296
06/03/86	S.	Referred to the committee on SENATE WAYS AND MEANS -SJ 764
12/05/86	S.	Referred to the committee on SENATE STEERING AND POLICY
01/06/87	H.	No action taken

S. 368 Of the Group Against Smoking Pollution of Massachusetts, by Edward L. Sweda, Jr., Byron Rushing, Suzanne M. Bump, Lucile P. Hicks, George Bachrach and other members of the General Court for the adoption of resolutions memorializing the Congress of the United States to remove the exemption for tobacco and tobacco products from the hazardous substances control act.

01/01/86	S.	Referred to the committee on FEDERAL FINANCIAL ASSISTANCE
04/02/86	S.	resolutions reported favorably by committee and referred to the committee on SENATE STEERING AND POLICY -SJ 208
05/07/86	S.	Recommitted to the committee on SENATE STEERING AND POLICY -SJ 436

REP. BYRON RUSHING
(CONTINUE PAGE SIX)

06/23/86	S.	Referred to the committee on SENATE WAYS AND MEANS -SJ 897
12/05/86	S.	Referred to the committee on SENATE STEERING AND POLICY
01/06/87	H.	No action taken

H. 4138 Of Byron Rushing and other members of the General Court for legislation to promote economy by means of consolidated programs for the purchase of materials and efficiency in energy consumption in the operations of housing authorities.

01/06/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/21/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 866

H. 6532 Of Byron Rushing, Royal L. Bolling, Sr., Thomas M. Gallagher, Salvatore F. DiMasi and Kevin W. Fitzgerald relative to financing by the Department of Community Affairs for certain United States Department of Housing and Urban Development disposition property.

11/26/86	H.	Referred to the committee on JOINT RULES -HJ 1750
12/01/86	H.	Reported, rules suspended and referred to the committee on HOUSE WAYS AND MEANS -HJ 1756
12/02/86	S.	Senate concurred -SJ 1549

H. 4128 Of Byron Rushing and other members of the General Court for legislation to establish a fund to assist local housing authorities and owners of private property receiving federal or state rental subsidy to remove lead-based paint.

01/06/86	H.	Referred to the committee on HEALTH CARE
03/11/86	H.	Accompanied a study resolve, see H5393

H. 5393 Resolve increasing the scope of the special commission established to make an investigation and study relative to the adequacy of lead poisoning prevention and control efforts in the Commonwealth.

03/11/86	H.	Reported from the committee on HEALTH CARE
03/11/86	H.	Resolve reported favorably by committee and referred to the committee on JOINT RULES -HJ 120

H. 4129 Of Byron Rushing and other members of the General Court that the Department of Public Health be authorized to assess the status of compliance with the State Sanitary Code.

01/06/86	H.	Referred to the committee on HEALTH CARE
03/06/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 93

REP. BYRON RUSHING
(CONTINUE PAGE SEVEN)

H. 4118 Of Byron Rushing and other members of the General Court relative to operations of steam companies.

01/06/86 H. Referred to the committee on GOVERNMENT REGULATIONS
06/19/86 H. Accompanied a study order, see H6013
See Senator Royal L. Bolling, Sr.

H. 6168 Of Byron Rushing, Gloria L. Fox, John E. McDonough, Royal L. Bolling, Sr., Royal L. Bolling, Jr., and another for legislation to authorize the Secretary of the Commonwealth to place upon the ballot in the current year a nonbinding question regarding the incorporation of a certain area of the city of Boston as a city within the Commonwealth.

07/01/86 H. Referred to the committee on JOINT RULES -HJ 1206
07/03/86 H. Reported, rules suspended and referred ot the committee on ELECTION LAWS -HJ 1241
01/06/87 H. No further action taken

H. 3379 Of Byron Rushing and other members of the General Court for legislation to provide for technical and financial assistance to owners participating in rental subsidy programs.

01/02/86 H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/20/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 839

H. 3378 Of Byron Rushing, other members of the General Court and another that urban renewal agencies be authorized to establish neighborhood authorities in certain cities.

01/02/86 H. Referred to the committee on HOUSING AND URBAN DEVEOPMENT
05/19/86 H. Accompanied a new draft, see H5737

H. 5737 Bill to establish neighborhood authorities in certain cities.

05/19/86 H. Reported from the committee on HOUSING AND URBAN DEVELOPMENT
06/18/86 H. Referred to the committee on HOUSE WAYS AND MEANS -HJ 1094

H. 3322 Of Byron Rushing, Gloria L. Fox, Saundra Graham, Royal L. Bolling, Jr., Frank M. Hynes, Royal L. Bolling, Sr., and another for legislation to provide for stricter enforecment of the community reinvestment law.

01/02/86 H. Referred to the committee on CRIMINAL JUSTICE
06/18/86 H. Recommitted to the committee on CRIMINAL JUSTICE -HJ 1093
07/03/86 H. New draft substituted, see H6137 -HJ 1247

REP. BYRON RUSHING
(CONTINUE PAGE EIGHT)

H. 6137		Bill providing for stricter enforcement of the community reinvestment act.
07/03/86	H.	New draft
07/08/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 1028
01/06/87	S.	No further action taken

AN ABBREVIATED VERSION OF
LEGISLATION SUPPORTED BY
MEMBERS OF THE MBLC
NOT PASSED

LEGISLATION IS LISTED BY COMMITTEE

BANKS AND BANKING

H. 1059 PETITION

Of Charles F. Flaherty and other members of the General Court for legislation to provide lifeline banking services to consumers.

01/01/86	H. Referred to the committee on BANKS AND BANKING
01/01/86	S. Senate concurred
	P. Hearing date Apr 7pm
04/30/86	S. Reported by committee
05/05/86	S. Accompanied a study order, see S1855 -SJ 388
	See Senator Royal L. Bolling, Sr.

COMMERCE AND LABOR

S. 79 PETITION

Of Edward L. Sweda, Jr., John A. Brennan, Jr., Suzanne M. Bump, Peter A. Vellucci, George Bachrach, Frank M. Hynes and other members of the General Court for legislation to protect the public health by banning the public distribution of free smoking or tobacco products for commercial purposes.

01/01/86	S. Referred to the committee on COMMERCE AND LABOR
05/12/86	S. Accompanied a study order, see S1891 -SJ 462

S. 1891 Order relative to authorizing the committee on Commerce and Labor to sit during the recess of the General Court for the purpose of making an investigation and study of certain current Senate and House documents relative to corporation and business transaction laws in the Commonwealth.

05/12/86	S. Reported from the committee on COMMERCE AND LABOR
05/12/86	S. Order reported favorably by committee and referred to the committee on JOINT RULES -SJ 462
05/19/86	S. Discharged to the committee on SENATE RULES -SJs 544
01/06/86	S. No report from committee

S. 55 Of Salvatore R. Albano, Linda J. Melconian, George Bachrach, Frank M. Hynes, David P. Magnani, Lawrence R. Alexander and other members of the General Court for legislation to further define the warranty provisions in the sale of used motor vehicles.

01/01/86	S. Referred to the committee on COMMERCE AND LABOR
06/03/86	S. Accompanied a new draft, see S1972 -SJ 748

COMMERCE AND LABOR
(CONTINUE PAGE TWO)

S. 1972		Bill further defining the warranty provisions in the sale of used motor vehicles.
06/03/86	S.	Reported from the committee on COMMERCE AND LABOR
06/03/86	S.	Bill reported favorably by committee and referred to the on SENATE WAYS AND MEANS -SJ 748
06/24/86	S.	Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 907
07/01/86	H.	Read; a;nd referred to the committee on HOUSE WAYS AND MEANS -HJ 1208
10/23/86	H.	Substituted by H6419 -HJ 1645
H. 6419		Bill further defining the warranty provisions in the sale of used motor vehicles.
10/21/86	H.	Reported from the committee on HOUSE WAYS AND MEANS
10/21/86	H.	Recommended new draft for S1972 -HJ 1615
10/23/86	H.	Substituted for S1972
11/17/86	H.	Bills in the Third Reading discharged
11/17/86	H.	Recommitted to the committee on HOUSE BILLS IN THE THIRD READING -HJ 1699
12/02/86	H.	Recommitted to the committee on COMMERCE AND LABOR -HJ 1782
01/06/87	H.	Ought NOT to pass (under Joint Rule 10) and no action taken
H. 6510		Bill further regulating the sale of used motor vehicles.
11/25/86	H.	New draft
11/25/86	H.	Proposed (by Mr. Lemanski) as a substitute for H6419
12/02/86	H.	Recommitted to the committee on COMMERCE AND LABOR -HJ 1782
01/06/87	H.	No further action taken

ELECTION LAWS

H. 5007		PETITION
		Of Michael Joseph Connolly, Mass. PIRG, the Association of Massachusetts Consumers, Inc., John A. Businger, Jack H. Backman, other members of the General Court and others for legislation to regulate certain political contributions and expenditures.
01/06/86	H.	Referred to the committee on ELECTION LAWS
01/06/86	H.	Reported, but no further action taken

H. 4997 PETITION

Of Michael Joseph Connolly, John A. Businger, Charles F. Flaherty, other members fo the General Court and others for legislation to provide for a more effective and simplified voter registration system.

01/06/86 H. Referred to the committee on ELECTION LAWS
01/06/87 H. Reported, but no further action taken

ENERGY

H. 3524 PETITION

Of Lawrence R. Alexander and other members of the General Court relative to further streamlining hydropower lecensing procedures.

01/02/86 H. Referred to the committee on ENERGY
01/02/86 S. Senate concurred
P. Hearing date Mar 4 am
03/18/86 H. Committee recommended ought NOT to pass and placed in the Orders of the Day for the next session -HJ 152
03/19/86 H. Report accepted -HJ 170

H. 3525 Of Lawrence R. Alexander and other members of the General Court for legislation to promote solar energy and protecting access to sunlight for solar energy systems.

01/02/86 H. Referred to the committee on ENERGY
01/02/86 S. Senate concurred
P. Hearing date Mar 4 am
03/18/86 H. Committee recommended ought NOT to pass and placed in the Orders of the Day for the next session -HJ 152
03/19/86 H. Report accepted -HJ 170

FEDERAL FINANCIAL ASSISTANCE

H. 3530 PETITION

Of Barbara Hildt and other members of the General Court for adoption of resolutions by the General Court memorializing the Congress of the United States to enact a national security budget.

01/02/86 H. Referred to the committee on FEDERAL FINANCIAL ASSISTANCE
06/03/86 H. Report accepted -HJ 981

HEALTH CARE

H. 3544 PETITION

Of Gladys Shapiro, Patricia G. Fiero and other members of the House for legislation to require public rest rooms and toilets in certain public establishments.

01/02/86	H.	Referred to the committee on HEALTH CARE
01/02/86	S.	Senate concurred
	P.	Hearing date Apr 7am
04/28/86	H.	Committee recommended ought NOT to pass and placed in the Orders of the Day for the next session -HJ 487
04/29/86	H.	Report accepted -HJ 533

S. 451 Of Salvatore R. Albano, David B. Cohen, George Bachrach, Eleanor Myerson and other members of the General Court for legislation to establish a Massachusetts health security program to implement the universal right to affordable quality health care.

01/01/86	S.	Referred to the committee on HEALTH CARE
04/30/86	S.	Reported by committee
05/07/86	S.	Accompanied a study order, see S1871 -SJ 411

S. 1871 Order relative to authorizing the committee on Health Care to sit during the recess of the General Court for the purpose of making an investigation and study of current Senate document numbered 451 and House document numbered 5089, relative to establishing a Massachusetts security program.

05/07/86	S.	Reported from the committee on HEALTH CARE
05/07/86	S.	New draft of S451 and H5089
05/07/86	S.	Order reported favorably by committee and referred to the committee on JOINT RULES -SJ 411
05/15/86	S.	Discharged to the committee on SENATE RULES -SJ 522
01/06/87	S.	No report from committee

HOUSING AND URBAN DEVELOPMENT

H. 4136 PETITION

Of Thomas M. Fenneran and other members of the General Court for legislation to provide for the removal of asbestos from public housing developments in the Commonwealth.

01/06/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
01/06/86	S.	Senate concurred
04/30/86	H.	Reported by committee
07/08/86	H.	Accompanied a study order, see H6139
		See Senator Royal L. Bolling, Sr.

H. 5271 Of Kevin W. Fitzgerald and other members of the House that provision be made for the development of congregate housing for the homeless in the Commonwealth.

01/06/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
01/06/86	S.	Senate concurred
04/30/86	H.	Reported by committee
07/08/86	H.	Accompanied a study order, see H6139
		See Senator Royal L. Bolling, Sr.

H. 1488 Of Kevin W. Fitzgerald and other members of the House for legislation to establish a Massachusetts housing fund trust for the purpose of relieving the housing shortage for low income persons.

01/01/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
01/01/86	S.	Senate concurred
04/30/86	H.	Reported by committee
07/08/86	H.	Accompanied a study orer, see H6139
		See Senator Royal L. Bolling, Sr.

H. 5357 Of the Association of Massachusetts Consumers, Inc., John A. Businger, other members of the General Court and others for legislation to require landlords to provide certain notices to tenants

01/06/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
05/15/86	S.	Senate concurred -SJ 532
01/06/87	H.	Ought NOT to pass (under Joint Rule 10) and no action taken

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H. 4454 Of Kevin W. Fitzgerald and other members of the House relative to increasing the affordability of home ownership and rental housing.

01/06/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
07/08/86	H.	Accompanied a study order, see H6139
		See Senator Royal L. Bolling, Sr.

H. 2995 Of Thomas M. Gallagher and other members of the General Court for legislation to extend condominium and cooperative conversion protections to certain housing accommodations.

01/02/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
01/02/86	S.	Senate concurred
04/30/86	H.	Reported by committee
06/24/86	H.	Accompanied a study order, See H6068 See Senator Royal L. Bolling, Sr.

H. 5359 Filed at the request of Anthony Lycurgus relative to increasing the availability of rental housing in the Commonwealth.

01/06/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
01/06/86	S.	Senate concurred
04/30/86	H.	Reported by committee to Clerk's Office for processing, will accompany a study

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JOINT RULES

H. 5399 PETITION

Of Robert Correia, other members of the General Court and others for an investigation by a special commission (including members of the General Court) relative to the needs of the Portuguese-American population in the Commonwealth.

03/11/86	H.	Referred to the committee on Joint Rules, reported, rules suspended and referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS -HJ 118
03/13/86	S.	Senate concurred -SJ 125
05/15/86	H.	Resolve reported favorably by committee and referred to the committee on JOINT RULES -HJ 789

THE JUDICIARY

H. 1501 PETITION

Of Thomas M. Gallagher, other members of the House and another that May twenty-ninth be declared a legal holiday in observance of the birth of John Fitzgerald Kennedy.

01/01/86	H. Referred to the committee on THE JUDICIARY
04/24/86	S. Accompanied a new draft, see S1821 -SJ 336

S. 1821 Resolve increasing the scope of the special commission established to make an investigation and study of establishing a suitable memorial to President John F. Kennedy.

04/24/86	S. Reported from the committee on THE JUDICIARY
04/24/86	S. Resolve reported favorably by committee and referred to the committee on JOINT RULES
04/30/86	S. Discharged to the committee on SENATE RULES -SJ 362
05/01/86	H. House concurred -HJ 565
01/06/87	S. No report from committee

H. 1519 PETITION

Of Susan D. Schur and other members of the House relative to revising procedures for the Commission on Judicial conduct.

01/01/86	H. Referred to the committee on THE JUDICIARY
05/15/86	S. Senate concurred -SJ 533
05/30/86	H. Reported by committee
06/16/86	H. Accompanied a study order, see H5986

H. 5986 Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain House documents concerning the Judicial Conduct Commission.

06/16/86	H. Reported from the committee on THE JUDICIARY
06/16/86	H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1076
10/07/86	H. Discharged and recommitted to the committee on THE JUDICIARY -HJ 1548
11/24/86	H. Accompanied a new draft, see H6503

H. 6503 Bill revising procedures for the Commission on Judicial Conduct.

11/24/86	H. Reported from the committee on THE JUDICIARY
11/24/86	H. New draft of H5986
01/06/87	S. No action taken

HOUSE WAYS AND MEANS

H. 3124 PETITION

Of Kevin W. Fitzgerald, Angelo M. Scaccia, John E. McDonough, Michael F. Flaherty and Royal L. Bolling, Jr., relative to the use and repair of certain public ways.

01/02/86 H. Referred to the committee on TRANSPORTATION
06/05/86 H. Accompanied a study order, see H5899

H. 5899 Order relative to authorizing the committee on Transportation to make an investigation and study of certain Senate and House documents concerning the Department of Public Works and other related matters.

06/05/86 H. Reported from the committee on TRANSPORTATION
06/05/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJs 1012-1013
11/17/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1693

H. 3712 Of A. Joseph DeNucci and other members of the House relative to medical care for persons in mental health facilities.

01/02/86 H. Referred to the committee on HEALTH CARE
03/06/86 H. Discharged to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS -HJ 92
03/10/86 S. Senate concurred -SJ 016
04/28/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 482

H. 3541 Of W. Paul White and other members of the House relative to the distribution of revenue from the State Lottery to cities and towns.

01/02/86 H. Referred to the committee on GOVERNMENT REGULATIONS
05/22/86 H. Accompanied a study order, see H5769

H. 3185 Of John E. McDonough and other members of the House that provision be made for a more equitable distribution of revenues from the State Lottery.

01/02/86 H. Referred to the committee on GOVERNMENT REGULATIONS
05/22/86 H. Accompanied a study order, see H5769

H. 3186 Of John E. McDonough and other members of the House relative to the distribution of revenues from the State Lottery to cities and towns.

HOUSE WAYS AND MEANS
(CONTINUE PAGE TWO)

01/02/86	H.	Referred to the committee on GOVERNMENT REGULATIONS
05/22/86	H.	Accompanied a study order, see H5769

H. 5769 Order relative to increasing the scope of the investigation and study by the committee on Government Regulations to include the subject-matter of certain House documents concerning the Department of Public Utilities, cable television, the State Lottery and other related matters.

05/22/86	H.	Reported from the committee on GOVERNMENT REGULATIONS
05/22/86	H.	Order reported favorably by committee and referred to the committee on JOINT RULES -HJs 888-889
11/13/86	H.	Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJs 1677-1678

S. 1541 Of John W. Olver, Richard A. Kraus, Salvatore R. Albano and other members of the General Court for legislation to regulate the professional qualifications of the members of the Appellate Tax Board and the procedures of said board.

01/01/86	S.	Referred to the committee on TAXATION
05/08/86	H.	Bill reported favorably by committee as changed and referred to the committee on HOUSE WAYS AND MEANS -HJ 695

H. 4124 Of Kevin W. Fitzgerald and other members of the General Court for legislation to include an Hispanic identifier on records of birth.

01/06/86	H.	Referred to the committee on GOVERNMENT REGULATIONS
06/19/86	H.	Accompanied a study order, see H6016

H. 6016 Order relative to authorizing the committee on Government Regulations to make an investigation and study of certain House documents concerning births, marriages and other public records.

06/19/86	H.	Reported from the committee on GOVERNMENT REGULATIONS
06/19/86	H.	Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1106
11/13/86	H.	Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1683

H. 5516	Of Thomas M. Gallagher, George Bachrach, Charles F. Flaherty, Steven Angelo, William R. Keating, Mary Jone Gibson and other members of the General Court for legislation to protect the health of citizens of the Commonwealth from accidental releases of extraordinarily hazardous substances.
04/02/86	H. Referred to the committee on JOINT RULES -HJ 270
04/07/86	H. Reported, rules suspended and referred to the committee on NATURAL RESOURCES AND AGRICULTURE -HJ 301
05/15/86	S. Senate concurred -SJs 533-534
06/18/86	H. Accompanied a new draft, see H6007
H. 6007	Bill to protect the health of the citizens of the Commonwealth from accidental releases of extraordinary hazardous substances.
06/18/86	H. Reported from the committee on NATURAL RESOURCES AND AGRICULTURE
06/18/86	H. New draft of H5516
06/18/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1086

H. 5071	Of John A. Businger, other members of the General Court and others relative to voter registration in state agencies.
01/06/86	H. Referred to the committee on ELECTION LAWS
06/04/86	H. Accompanied a study order, see H5889
H. 5889	Order relative to authorizing the committee on Election Laws to make an investigation and study of a certain House document concerning voter registration in agencies of the Commonwealth.
06/04/86	H. Reported from the committee on ELECTION LAWS
06/04/86	H. Accompanied by H5071
06/04/86	H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 990
11/13/86	H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1679

H. 3537	Of Thomas F. Brownell and other members of the General Court relative to the establishment of a citizens utility board.
01/02/86	H. Referred to the committee on GOVERNMENT REGULATIONS
06/05/86	H. Accompanied a study order, see H5896

H. 5896 Order relative to authorizing the committee on Government Regulations to make an investigation and study of certain House documents concerning the establishment of a consumer utility board and other related matters.

06/05/86	H.	Reported from the committee on GOVERNMENT REGULATIONS
06/05/86	H.	Order reported favorably by committee and referred to the committee on HOINT RULES -HJ 1011
11/13/86	H.	Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1679

H. 3729 Of A. Joseph DeNucci and other members of the General Court relative to limiting the caseloads of individual case managers in order to improve the quality of home care program services for the elderly.

01/02/86	H.	Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
04/30/86	H.	Bill reported favorably by committee as changed and referred to the committee on HOUSE WAYS AND MEANS -HJ 546

H. 5523 Of Athan Catjakis and other members of the General Court (with the approval of the mayor and city council) that the city of Springfield be authorized to expend money for the purpose of indemnifying its employees and officials.

04/09/86	H.	Referred to the committee on LOCAL AFFAIRS -HJ 329
04/10/86	S.	Senate concurred -SJ 280
05/05/86	H.	Discharged to the committee on PUBLIC SERVICE -HJ 592
05/07/86	S.	Senate concurred -SJ 421
06/11/86	H.	Accompanied a study order, see H5960

H. 5960 Order relative to authorizing the committee on Public Service to make an investigation and study of a certain House document concerning the indemnification of employees and officials of the city of Springfield and other related matters.

06/11/86	H.	Reported from the committee on PUBLIC SERVICE
06/11/86	H.	Accompanied by H5523
06/11/86	H.	Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1056
11/13/86	H.	Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1681

H. 5358	PETITION	
	Of John A. Businger, other members of the General Court and other for legislation to stabilize residential rents and to minimize residential displacement.	
01/06/86	H.	Referred to the committee on HOUSING AND URBAN DEVELOPMENT
04/30/86	H.	Reported by committee
06/19/86	H.	Accompanied a study order, see H6018
H. 6018	Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain Senate and House documents concerning housing for the elderly.	
06/19/86	H.	Reported from the committee on HOUSING AND URBAN DEVELOPMENT
06/19/86	H.	Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 1106
11/13/86	H.	Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1683

H. 5362	Of John A. Businger, other members of the General Court and others for adoption of resolutions by the General Court ratifying the proposed amendment to the Constitution of the United States prohibiting discrimination on account of sex.	
01/06/86	H.	Referred to the committee on JOINT RULES
04/30/86	H.	Reported by committee
05/28/86	H.	Accompanied a study order, see H5820
H. 5820	Order relative to authorizing the committee on Rules of the two branches, acting concurrently, to make an investigation and study of certain House documents concerning changes in the rules and procedures of the General Court.	
05/28/86	H.	Reported from the committee on JOINT RULES
05/28/86	H.	Order reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJs 920-921
H. 6395	Of William M. Bulger, George Keverian, Mary Jane Gibson and other members of the General Court for legislation to authorize the Massachusetts Bay Transportation Authority to change the name of the Alewife Station in the city of Cambridge to the Thomas P. "Tip" O'Neill, Jr., Station.	
10/14/86	H.	Referred to the committee on JOINT RULES, reported, rules suspended and referred to the committee on TRANSPORTATION -HJ 1575

10/14/86	S.	Senate concurred -SJs 1360-1361
10/20/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1607

H. 2244 Of Susan D. Schur, other members of the General Court and another for legisaltion to improve the coooection of child support.

01/02/86	H.	Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
01/02/86	S.	Senate concurred
03/31/86	H.	Accompanied a new draft, see H5482

H. 5482 Bill to improve the collection of child support.

03/31/86	H.	Reported from the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
03/31/86	H.	New draft of H2244
03/31/86	H.	Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 227
05/15/86	H.	Accompanied H5610

See Rep. Saundra Graham

S. 771 Of Michael LoPresti, Jr., the Group Against Smoking Pollution of Massachusetts, by Edward L. Sweda, Jr., Suzanne M. Bump, Stephen W. Doran, Paul D. Harold, George Bachrach, Frank M. Hynes, Steven Angelo and other members of the General Court for legislation to reduce insurance rates for nonsmokers.

01/01/86	S.	Referred to the committee on INSURANCE
04/30/86	H.	Reported by committee
05/27/86	H.	Accompanied a study order, see H5795

H. 5795 Order relative to authorizing the committee on Insurance to make an investigation and study of certain Senate and House documents concerning medical, life and motor vehicle insurance and other related matters.

05/27/86	H.	Reported from the committee on INSURANCE
05/27/86	H.	Order reported favorably by committee and referred to the committee on JOINT RULES -HJ 900
11/13/86	H.	Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 1678

H. 5246	Of Patricia G. Fiero and other members of the House for legislation to provide for transportation and day care for student mothers.
01/06/86	H. Referred to the committee on EDUCATION
01/06/86	S. Senate concurred
04/30/86	H. Reported by committee
05/08/86	H. Accompanied by H1804
05/08/86	H. Bill reported favorably by committee and placed in the Orders of the Day for the next session -HJ 696
05/12/86	H. Read second
05/12/86	H. Referred to the committee on HOUSE WAYS AND MEANS -HJ 723

H. 1840	Of Mary Jan Gibson and other members of the General Court for legislation to require the labelling of toxic materials in art supplies.
01/01/86	H. Referred to the committee on HEALTH CARE
05/01/86	H. Accompanied a new draft, see H5609
H. 1841	Of Mary Jane Gibson and other members of the General Court for legislation to limit the sale of art supplies containing toxic chemicals to elementary schools.
01/01/86	H. Referred to the committee on HEALTH CARE
05/01/86	H. Accompanied a new draft, see H5609
H. 5609	Bill pertaining to toxic art supplies.
05/01/86	H. Reported from the committee on HEALTH CARE
05/01/86	H. New draft of S456, H922, H1840 and H1841
05/01/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 570
10/08/86	H. Bills in the Third Reading new draft substituted, see H6377 -HJ 1562
H. 6377	Bill relative to toxic art or craft materials
10/08/86	H. Reported from the committee on HOUSE BILLS IN THE THIRD READING
10/08/86	H. New draft
10/08/86	H. Substituted for H5609
10/08/86	H. Passed to be engrossed -HJ 1562
10/09/86	S. Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1345
01/06/87	S. No report from committee

H. 4137 Of Kevin W. Fitzgerald and other members of the General Court that provision be made for day care centers in public housing developments in the Commonwealth.

01/06/86 H. Referred to the committee on HOUSING AND URBAN DEVELOPMENT
04/30/86 H. Reported by committee
05/21/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 866

H. 2622 Of Sherwood Guernsey, other members of the General Court and another for legislation to establish a board of licensing in midwifery in the Department of Public Health.

01/02/86 H. Referred to the committee on HEALTH CARE
04/09/86 H. Accompanied a new draft, see H5521

H. 5521 Bill to provide for the educational standards for nidwives.

04/09/86 H. Reported from the committee on HEALTH CARE
04/09/86 H. New draft of H2622 and H3888
04/09/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 332

H. 3000 Of A. Joseph DeNucci and other members of the General Court relative to the funding of certain head start agencies providing services to low-income pre-school children.

01/02/86 H. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
01/02/86 S. Senate concurred
03/06/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MENAS -HJs 93-94

H. 3158 Of Patricia G. Fiero and other members of the House for legislation to provide for day care facilities at public institutions of higher education.

01/02/86 H. Referred to the committee on EDUCATION
04/30/86 H. Reported by committee
05/12/86 H. Accompanied H3510

H. 3510 Of Barbara Hildt and other members of the General Court relative to establishing child care facilities in state institutions of higher learning

01/02/86 H. Referred to the committee on EDUCATION
05/12/86 H. Bill reported favorably by committee as changed and referred to the committee on HOUSE WAYS AND MEANS -HJs 719-720

H. 3482 Of John E. McDonough and other members of the General Court for legislation to clarify the expedited procedure relative to abatements of taxes on certain abandoned real property.

01/02/86 H. Referred to the committee on TAXATION
04/30/86 H. Reported by committee
05/15/86 H. Accompanied a new draft, see H5714

H. 5714 Bill clarifying the expedited procedure relative to abatements of taxes on certain abandoned real property.

05/15/86 H. Reported from the committee on TAXATION
06/25/86 H. Read third
06/25/86 H. Bills in the Third Reading discharged
06/25/86 H. Referred to the committee on HOUSE WAYS AND MEANS -HJ 1162

H. 3321 Of Salvatore F. DiMasi and other members of the General Court relative to increasing the punishment for the sale and distribution of controlled substances.

01/02/86 H. Referred to the committee on CRIMINAL JUSTICE
06/09/86 H. Accompanied a study order, see H5910

H. 1450 Of Mary Jeanetts Murray and other members of the House for legislation to discourage the reduction of charges in drug cases from possession with intent to sell to mere possession.

01/01/86 H. Referred to the committee on CRIMINAL JUSTICE
06/09/86 H. Accompanied a study order, see H5910

H. 1451 Of Mary Jeanetts Murray and other members of the House for legislation to provide for a twenty-five year mandatory sentence for major drug dealers.

01/01/86 H. Referred to the committee on CRIMINAL JUSTICE
06/09/86 H. Accompanied a study order, see H5910

H. 1452 Of Mary Jeanette Murray and other members of the House relative to the penalty for the distribution of controlled substances.

01/01/86 H. Referred to the committee on CRIMINAL JUSTICE
06/09/86 H. Accompanied a study order, see H5910

H. 1453 Of Mary Jeanette Murray and other members of the House relative to the classification of marijuana.

01/01/86 H. Referred to the committee on CRIMINAL JUSTICE
06/09/86 H. Accompanied a study order, see H5910

H. 1454 Of Mary Jeanette Murray and other members of the House for legislation to provide that major drug traffickers be held without bail.

01/01/86 H. Referred to the committee on CRIMINAL JUSTICE
06/09/86 H. Accompanied a study order, see H5910

H. 5910 Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain Senate and House documents concerning penalties for the commission of crimes in the Commonwealth and other related matters.

06/09/86 H. Reported from the committee on CRIMINAL JUSTICE
06/09/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJs 1023-1024
11/13/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJs 1679-1680

H. 2969 Of W. Paul White and other members of the House relative to school building assistance concerning a certain athletic facility in the city of Boston.

01/02/86 H. Referred to the committee on EDUCATION
05/15/86 S. Senate concurred -SJs 531-532
06/11/86 S. Senate concurred -SJ 823
07/09/86 H. Reported by committee
07/24/86 H. Accompanied a new draft, see H6193

H. 6193 Bill relative to school building assistance, as it pertains to an athletic facility in the city of Boston.

07/24/86 H. Reported from the committee on EDUCATION
07/24/86 H. New draft of H2969 and H3875
07/24/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1360

H. 1461 Of Susan D. Schur and other members of the House relative to the establishment of implementation boards to formulate plans for the consolidation of institutions of higher education.

01/01/86 H. Referred to the committee on EDUCATION
04/30/86 H. Reported by committee
05/12/86 H. Bill reported favorably by committee as changed and referred to the committee on HOUSE WAYS AND MEANS -HJ 719

HOUSE WAYS AND MEANS
(CONTINUE PAGE ELEVEN)

H. 2338 Of John H. Flood and other members of the General Court for legislation to provide an income tax exemption for families caring for their elderly relatives at home.

01/02/86 H. Referred to the committee on TAXATION
04/30/86 H. Reported by committee
06/03/86 H. Accompanied by H1195
06/03/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 975

H. 3006 Of Angelo M. Scaccia and other members of the General Court that cities and towns be granted additional reimbursement for providing veterans' benefits.

01/02/86 H. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/15/86 S. Accompanied S714 -SJ 516

S. 714 Of the Massachusetts Veterans Service Agents Association, by Ronald C. MacKenzie, and Joseph B. Walsh for legislation to codify certain changes in veterans' reimbursements to cities and towns.

01/01/86 S. Referred to the committee on HUMAN SERVICES AND ELDERLY AFFAIRS
05/15/86 S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 516
06/10/86 S. Committee recommended ought to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 804
06/19/86 H. Read; and referred to the committee on HOUSE WAYS AND MEANS -HJ 1103

PUBLIC SERVICE

H. 3066 PETITION

Of W. Paul White and other members of the House that provision be made for reimbursement to cities and towns for certain pension costs.

01/02/86 H. Referred to the committee on PUBLIC SERVICE
04/30/86 H. Reported by committee
06/05/86 H. Accompanied a study order, see H5897
See Senator Royal L. Bolling, Sr.

H. 1877 PETITION

Of Mary Jane Gibson, other members of the General Court and another for legislation to prohibit discrimination relative to insurance contracts.

01/01/86	H.	Referred to the committee on INSURANCE
05/06/86	H.	Accompanied a study order, see H5636
07/08/86	S.	Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1028
12/05/86	S.	Referred to the committee on SENATE STEERING AND POLICY -SJs 1626-1627
01/06/87	S.	No further action taken

S. 371 Of the Group Against Smoking Pollution of Massachusetts, by Edward L. Sweda, Jr., Lucile P. Hicks, John A. Brennan, Jr., and other members of the General Court for the adoption of resolutions memorializing the Congress of the United States to remove the exemption for tobacco and tobacco products from the Toxic Substances Control Act.

01/01/86	S.	Referred to the committee on FEDERAL FINANCIAL ASSISTANCE
06/09/86	S.	Ought NOT to pass (under Joint Rule 10) and referred to the committee on SENATE STEERING AND POLICY -SJ 781
10/06/86	S.	Referred to the committee on SENATE STEERING AND POLICY -SJs 1312-1314
12/29/86	S.	Adopted -SJ 1682
01/06/87	H.	No action taken

H. 5768 Of Salvatore F. DiMasi and other members of the General Court (with the approval of the mayor and city council) for legislation to provide relief to taxpayers impacted by revaluation in the city of Boston.

05/15/86	H.	Referred to the committee on JOINT RULES -HJ 788
05/22/86	H.	Reported, rules suspended and referred to the committee on TAXATION -HJ 865
06/05/86	S.	Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 776
07/03/86	S.	Bill rejected -SJ 1013

S. 790 Of Carol C. Amick, Lucile P. Hicks, Barbara E. Gray, Patricia G. Fiero, Carmen D. Buell, other members of the General Court and another for legislation to increase the statute of limitations for actions arising out of sexual abuse to ten years.

01/01/86	S. Referred to the committee on THE JUDICIARY
05/19/86	S. Bill reported favorably by committee as changed and referred to the committee on SENATE STEERING AND POLICY -SJ 541
07/10/86	S. Recommitted to the committee on THE JUDICIARY -SJs 1074-1075
09/08/86	S. Referred to the committee on SENATE STEERING AND POLICY -SJ 1192
01/06/87	S. No further action taken

S. 1657 Of Peter C. Webber and Sherwood Guernsey for legislation to authorize the board of commissioners of the Dalton Dire District to convey certain land in the town of Windsor to the Commonwealth of Massachusetts through its Division of Fisheries and Wildlife.

02/06/86	S. Referred to the committee on STATE ADMINISTRATION -SJs 33-34
01/06/86	S. Ought NOT to pass (under Joint Rule 10) and referred to the committee on SENATE STEERING AND POLICY
01/06/87	S. No furhter action taken

H. 1060 Of Charles F. Flaherty and other members of the General Court for legislation to prohibit certain banking institutions from imposing certain charges on their depositors.

01/01/86	H. Referred to the committee on BANKS AND BANKING
06/25/86	H. Recommitted to the committee on HOUSE BILLS IN THE THIRD READING -HJ 1165
09/22/86	H. Recommitted to the committee on HOUSE BILLS IN THE THIRD READING -HJ 1439
11/18/86	S. Read; and referred to the committee on SENATE STEERING AND POLICY -SJ 1466
01/06/87	S. No further action taken

H. 1657 Of Lucile P. Hicks and other members of the General Court and others for legislation to further regulate smoking in certain public and private buildings.

01/01/86	H. Referred to the committee on HEALTH CARE
05/27/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 901

09/24/86	S. Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1231
11/26/96	S. Referred to the committee on SENATE STEERING AND POLICY -SJ 1506
01/06/87	S. No further action taken

H. 3505 Of Barbara Hildt and other members of the General Court for legislation to prevent family violence and strengthen the family by the development of comprehensive health education programs.

01/02/86	H. Referred to the committee on EDUCATION
06/03/86	H. Accompanied a new draft, see H5865

H. 3512 Of Barbara Hildt and other members of the House relative to establishing comprehensive health education in public schools in the Commonwealth.

01/02/86	H. Referred to the committee on EDUCATION
06/03/86	H. Accompanied a new draft, see H5865

H. 5865 Bill to prevent abuse and strengthen the family through comprehensive health education and human services in public schools.

06/03/86	H. Reported from the committee on EDUCATION
06/03/86	H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 974
09/25/86	S. Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1252
12/05/86	S. Referred to the committee on SENATE STEERING AND POLICY
01/06/86	S. No further action taken

SENATE WAYS AND MEANS

H. 2959 Of Thomas M. Finneran and other members of the House for legislation to authorize the assumption of all Suffolk County Court facilities by the Commonwealth.

01/02/86	H. Referred to the committee on COUNTIES
04/03/86	S. Discharged to the committee on SENATE WAYS AND MEANS -SJ 234
01/06/87	S. No report from committee

H. 3115 Of W. Paul White and other members of the House relative to the taxation of certain fees charged by the courts of the Commonwealth.

01/02/86 H. Referred to the committee on TAXATION
05/05/86 H. Discharged to the committee on THE JUDICIARY -HJ 592
05/28/86 H. Recommitted to the committee on THE JUDICIARY -HJ 929
09/24/86 S. Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1232
01/06/87 S. No report from committee

H. 3504 Of Kevin W. Fitzgerald and other members of the General Court for an investigation and study by the Department of Education relative to the drop-out rate of Hispanic students.

01/02/86 H. Referred to the committee on EDUCATION
05/07/86 S. Accompanied a new draft, see S1876 -SJ 412

S. 1876 Bill providing alternative education programs for disciplinary problems.

05/07/86 S. Reported from the committee on EDUCATION
05/07/86 S. Bill reported favorably by committee and referred to the committee on SENATE WAYS AND MEANS -SJ 412
01/06/87 S. No report from committee

H. 4307 Of James T. Brett and other members of the House for legislation to provide for human services provider liability insurance.

01/06/86 H. Referred to the committee on INSURANCE
05/06/86 H. Accompanied a study order, see H5636

H. 5636 Order relative to authorizing the committee on Insurance to make an investigation and study of certain Senate and House documents concerning insurance premiums, benefits, discrimination and other related matters.

05/06/86 H. Reported from the committee on INSURANCE
05/06/86 H. Order reported favorably by committee and referred to the committee on JOINT RULES -HJs 631-632
06/02/86 H. Committee recommended ought to be adopted and referred to the committee on HOUSE WAYS AND MEANS -HJ 953
06/12/86 S. Referred to the committee on SENATE WYAS AND MEANS -SJs 840 -841
01/06/87 S. No report from committee

H. 5767 Of John E. McDonough and other members of the General court that the Massachusetts Bay Transportation Authority be authorized to transfer certain land in the Southwest Corridor in the city of Boston to the Metropolitan District Commission for park purposes.

05/14/86 H. Referred to the committee on JOINT RULES -HJs 759-760
05/21/86 H. Reported, rules suspended and referred to the committee on STATE ADMINISTRATION -HJ 865
06/11/86 H. Bill reported favorably by committee as changed and referred to the committee on HOUSE WAYS AND MEANS -HJ 1057
10/07/86 S. Read; and referred to the committee on SENATE WAYS AND MEANS -SJ 1325
01/06/87 S. No report from committee

STATE ADMINISTRATION

H. 3606 Of Kevin W. Fitzgerald and other members of the General Court for legislation to establish offices for cultural and linguistic minority affairs in certain state departments.

01/02/86 H. Referred to the committee on STATE ADMINISTRATION
03/26/86 S. Senate concurred -SJ 180
04/30/86 H. Reported by committee
05/06/86 H. Accompanied H4194
See Senator Royal L. Bolling, Sr.

TRANSPORTATION

H. 3125 Of W. Paul White and other members of the House that provision be make for additional contract assistance from the Commonwealth to the Massachusetts Bay Transportation Authority and the regional transit authorities.

01/02/86 H. Referred to the committee on TRANSPORTATION
04/30/86 H. Reported be committee
06/05/86 H. Accompanied a study order, see H5898
See Senator Royal L. Bolling, Sr.

TAXATION

H. 3114 PETITION

Of W. Paul White and other members of the House for legislation to authorize the use of facsimile signatures on forms used by the tax collectors of cities and towns.

01/02/86 H. Referred to the committee on TAXATION
05/20/86 H. Report accepted -HJ 850

H. 3108 Of Angelo M. Scaccia and other members of the House that provision be made for the taxation of real property of the Massachusetts Bay Transportation Authority leased for businesses purposes.

01/02/86 H. Referred to the committee on TAXATION
06/30/86 H. Bill reported favorably by committee and referred to the committee on HOUSE WAYS AND MEANS -HJ 1191
10/21/86 H. Recommittee on the committee on TAXATION -HJ 1623
12/03/86 H. Bill rejected -HJ 1809

H. 3110 Of W. Paul White and other members of the House relative to limiting tax exempt property in certain cities and townes.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 3111 Of W. Paul White and other members of the House relative to the taxation of certain types of interest or ownership.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

S. 1533 Of John W. Olver, the Gray Panthers of Greater Boston, by Gerald Bergman, coordinator, George Bachrach, Salvatore R. Albano and other members of the General Court for legislation to provide that a portion of the cigarette excise be used to establish a pharmaceutical benefit program for the elderly and disabled.

01/01/86 S. Referred to the committee on TAXATION
05/05/86 S. Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 394
06/02/86 S. Report accepted -SJ 736

H. 3120 Of W. Paul White and other members of the House relative to the tax on property owned by elderly citizens and surviving spouses.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

S. 1534 Of John W. Olver, Richard A. Kraus, George Bachrach, Salvatore R. Albano and other members of the General Court for a legislative amendment to the Constitution to grant the General Court the power and authority to impose and levy a graduated income tax.

01/01/86 S. Referred to the committee on TAXATION
05/05/86 H. Proposal reported adversely by committee and placed on file -HJ 606

S. 1547 Of John W. Olver, Richard A. Kraus, George Bachrach, Salvatore R. Albano, Barbara E. Gray, John E. McDonough, John A. Businger, other members of the General Court and another for legislation to revise the Massachusetts estate tax law.

01/01/86 S. Referred to the committee on TAXATION
04/02/86 S. Committee recommended ought NOT to pass and referred to the committee on SENATE STEERING AND POLICY -SJ 209
04/16/86 S. Report accepted -SJ 306

S. 1545 Of John W. Olver, Richard A. Kraus and other members of the General Court for a legislative amendment to the Constitution to authorize the General Court to grant to cities and towns the power to impose local surcharges on state taxes and excises and to authorize the General Court to impose and levy taxes and excises on behalf of particular cities and towns.

01/01/86 S. Referred to the committee on TAXATION
05/05/86 H. Proposal reported adversely by committee and placed on file -HJ 607

H. 3121 Of W. Paul White, Emanuel G. Serra, John E. McDonough, Thomas M. Gallagher, Michael F. Flaherty and Royal L. Bolling, JR., relative to the dates for certification of certain valuations and appeals therefrom.

01/02/86 H. Referred to the committee on TAXATION

06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 3116 Of W. Paul White and other members of the House relative to the collection of the excise tax on motor vehicles.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 3113 Of W. Paul White and other members of the House for legislation to revise and clarify certain property tax exemptions.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 3117 Of W. Paul White and ogher members of the House relative to further reimbursing cities and towns for the tax value of real property owned by the Commonwealth.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 3107 Of Angelo M. Scaccia and other members of the House that the city of Boston be reimbursed by the Commonwealth for tax revenues lost to Government Center located in said city.

01/02/86 H. Referred to the committee on TAXATION
05/08/86 H. Accompanied a new draft, see H5668
See Senator Royal L. Bolling, Sr.

H. 3118 Of Angelo M. Scaccia and other members of the House for legislation to authorize grants in lieu of taxes on real property of the Commonwealth and certain other organizations.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 3105 Of W. Paul White and other members of the House that provision be made for payments in lieu of taxes by hospitals and universities.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 3104 Of W. Paul White and other members of the House that provision be made for state reimbursement for a portion of property exempt from taxation.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 3106 Of W. Paul White and other members of the House that provision be made for an annual payment in lieu of taxes by the Massachusetts Turnpike Authority.

01/02/86 H. Referred to the committee on TAXATION
05/20/86 H. Report accepted -HJ 850

H. 3621 Of Lawrence R. Alexander and other members of the General Court for legislation to re-establish certain residential tax credits for renewable energy systems.

01/02/86 H. Referred to the committee on TAXATION
06/16/86 H. Accompanied a study resolve, see H5972
See Senator Royal L. Bolling, Sr.

H. 3112 Of W. Paul White and other members of the House that taxpayers over fifty-five years of age be authorized to defer payment of certain real estate taxes.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 2325 Of John H. Flood and other members of the General Court for legislation to regulate the personal income tax exemption of the non-wage earning spouse.

01/02/86 H. Referred to the committee on TAXATION

06/16/86 H. Accompanied a study resolve, see H5972
See Senator Royal L. Bolling, Sr.

H. 2340 Of John H. Flood and other members of the General Court for legislation to establish a ten thousand dollar threshold examption for all taxpayers who have attained the age of sixty-five.

01/01/86 H. Referred to the committee on TAXATION
06/16/86 H. Accompanied a study resolve, see H5972
See Senator Royal L. Bolling, Sr.

H. 2341 Of John H. Flood and other members of the General Court relative to the qualifications of certain elderly persons for real estate tax abatements.

01/02/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

H. 2333 Of John H. Flood and other members of the General Court that provision be made for the indexing of certain personal income tax exemptions.

01/02/86 H. Referred to the committee on TAXATION
06/16/86 H. Accompanied a study resolve, see H5972
See Senator Royal L. Bolling, Sr.

H. 3102 Of Richard J. Rouse and other members of the House that Provision be made for the uniform ditermination of appeals of utility companies in cases before the Appellate Tax Board concerning the correct classification of certain taxable property.

01/02/86 H. Referred to the committee on TAXATION
05/20/86 H. Report accepted -HJ 850

H. 4224 Of Kevin W. Fitzgerald and other members of the House for legislation to provide for real estate tax abatement for certain subsidized residential units.

01/06/86 H. Referred to the committee on TAXATION
06/12/86 H. Accompanied a study resolve, see H5971
See Senator Royal L. Bolling, Sr.

THE 1987 PRIORITY LEGISLATION
OF THE
MASSACHUSETTS BLACK LEGISLATIVE CAUCUS

1987 BLACK LEGISLATIVE CAUCUS PRIORITY BILLS

SPONSOR	BILL NO.	TITLE/DESCRIPTION	STATUS	COMMITTEE
SEN. BOLLING,	S. 1246	LEGISLATION TO ESTABLISH THE BLUE HILL REGIONAL DEVELOPMENT CORP.	01/7/87	S. REFERRED TO THE COMMITTEE ON STATE ADMIN.
			3/5/87	BILL REFERRED FAVORABLY BY COMMITTEE AND REFERRED TO COMMITTEE ON SENATE WAYS & MEANS - SJ 75
SEN. BOLLING, SR.	S. 138	LEGISLATION THAT WILL ALLOW PROVISIONS TO BE MADE FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION (INCLUDING MEMBERS OF THE GENERAL COURT) RELATIVE TO THE USE OF DEADLY FORCE AND OTHER FORCE BY LAW ENFORCEMENT OFFICIALS IN THE COMMONWEALTH	1/7/87	S. REFERRED TO THE COMMITTEE ON CRIMINAL JUSTICE.
			4/2/87	S. RESOLVED REPORTED FAVORABLY BY COMMITTEE AS CHANGED AND REFERRED TO THE COMMITTEE ON JOINT RULES - SJ 158
			4/3/87	S. DISCHARGED TO THE COMMITTEE ON SENATE RULES - SJ 368

[Similar Matter Filed During Past Session — See Senate No. 1343 of 1986.]

SENATE . . . . . No. 1246

By Mr. Bolling, a petition (accompanied by bill, Senate, No. 1246) of Royal L. Bolling, Sr., for legislation to establish the Blue Hill regional development corporation. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT ESTABLISHING THE BLUE HILL REGIONAL DEVELOPMENT CORPORATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The General Laws are hereby amended by inserting after Chapter 401 the following chapter:

SECTION 2. For the purpose of this chapter the following words and terms shall have the following meanings, except where the context clearly indicates otherwise:

"Capital Participation Investments", purchase of stock, both common and preferred, convertible securities, warrants, subscriptions, options to acquire, capital loans, and working capital or inventory loans, royalties, and any other lawful derivations of the foregoing.

"Community Development Corporation" or "CDC", a quasi-public non-profit corporation organized under the General Laws to carry out certain public purposes and with bylaws providing that:

(1) it is organized to operate within a specified geographic area coincident with existing political boundaries;

(2) that membership in the corporation shall be open to all residents of said area who are eighteen years or older;

(3) that at least a majority of its board of directors shall be elected by the full membership with each member having an equal vote;

(4) that the bylaws of the Community Development Corpora-

SENATE . . . . . No. 138

By Mr. Bolling, a petition (accompanied by resolve, Senate, No. 138) of Royal L. Bolling, Sr., that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the use of deadly force and other force by law enforcement officials in the Commonwealth. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

RESOLVE ESTABLISHING A SPECIAL COMMISSION TO MAKE AN INVESTIGATION RELATIVE TO THE USE OF DEADLY AND OTHER FORCE BY LAW ENFORCEMENT OFFICIALS IN THE COMMONWEALTH OF MASSACHUSETTS.

Resolved, That a special commission to consist of three members of the Senate, five members of the House of Representatives, and five members to be appointed by the governor (one of whom shall be an expert in criminal justice, one of whom shall represent a bar advocate group, one of whom shall be involved in the administration of law enforcement, and one of whom shall have a significant history of activity in community concerns), is hereby established for the purpose of making an investigation relative to the use of deadly and other force by police officers in the apprehension and detention of criminal suspects. In making its investigation, said commission shall consider the range of circumstances facing officers in arrest situations, shall determine standards of conduct appropriate to these situations, and shall study the causes for inappropriate conduct in such situations.

Said commission shall report to the general court the results of its investigation and its recommendations, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the Clerk of the House of Representatives on or before the first Wednesday of December, nineteen hundred and eighty-six.

tion shall provide that any other directors be either appointees of elected state or local government officials or appointees of other non-profit organizations having as a purpose the promotion of development in the designated geographic area;

(5) that said elections shall be held annually for at least one-third of the members of the board of directors so that each elected director shall serve for a term of at least three years;

(6) that the designated geographic areas shall be consistent with some existing, or combination of existing, political districts, provided that the aggregate population of such geographic area shall not exceed one hundred thousand people based on the most recent appropriate census.

"Complete fiscal year" is the first twelve-month period beginning July 1 and ending June 30 after final passage of this legislation. Each period from July 1 to June 30 thereafter shall also constitute a "complete fiscal year." The months prior to the beginning of the first complete fiscal year shall constitute the "prior months" referred to in Section 6, subsection (i) of this chapter.

"Paid in Capital", all monies received in return for capital stock of the BHRDC.

"Poverty Level" or "income below the poverty level" are terms used in accordance with the working definitions established by the Users' Guide to the 1980 Census and Population and Housing produced by the U.S. Department of Commerce, Bureau of the Census. Over 20% of the families in the target area of the Blue Hill Regional Development Corporation are below the "poverty level" as determined by the 1980 census.

"Primary Employment", work which pays at least one and one-half times the minimum wage offers adequate fringe benefits including health insurance, and is not seasonal or part time.

"Project" or "community development enterprise", any commercial, industrial or real estate business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, economic depression, or widespread reliance on public assistance.

"Project" does not include those investments referred to in Section VI, subsection (h) of this chapter.

Investments that the BHRDC is authorized to make in its capacity as a fiduciary do not constitute "projects."

"Small Business", any business that has either an average gross sales of less than two million five hundred thousand dollars per year for the most recent two fiscal years, or has less than one hundred full-time employees, except that businesses primarily engaged in wholesaling shall be considered eligible if their average gross annual sales for the most recent two fiscal years do not exceed fifteen million dollars per year.

"Small Business Investment Corporation" or "SBIC", a Massachusetts corporation organized to provide capital to small business located in the Commonwealth and licensed according to the provisions of the Small Business Investment Act of 1958, (Public Law 85-699).[1]

"The Target Area", or "The Region", the area comprised of 1980 census tracts: 801,802, 803, 804, 805, 807, 813, 814, 815, 816, 817, 818, 819, 820, 821, 901, 902, 903, 904, 905, 906, 913, 914, 915, 916, 917, 918, 919, 920, 923, 924, 1001, 1002, 1003, 1005, 1011.01, 1011.02, 1010.01, 1010.02, 1203, 1202, 1101.02, 1101.01, 4162, 4163.

Said target area is a contiguous geographic area which is (1) a "blighted open area", "decadent area", or "substandard area", as defined in section one of chapter one hundred and twenty-one A, and in which according to the most recent United States Census, the average household income is reported to be at least fifteen percent lower than that reported for the Boston Standard Metropolitan Statistical Area, also known as Boston SMSA, as recognized by the United States Bureau of Census in the 1980, census, and (2) has according to the 1980 census an average of over 20% of families with income below the poverty level.

SECTION 3. Finding or Public Necessity; Purpose.

1. It is hereby found that there exists in the "target area" defined in SECTION 2 a condition of substantial and persistent unemployment which is detrimental to the welfare of the people of the Commonwealth; that private enterprise unaided by the Commonwealth is unable to prevent blight and additional unemployment; that there exists within the target area an acute shortage of decent, safe, and sanitary housing available to persons of low and moderate income to the detriment of the welfare of

the people of the Commonwealth; and that private enterprise unaided by the Commonwealth is unable to accomplish the construction and rehabilitation of such housing so as to alleviate such shortage; that there also exists an acute shortage of local jobs that can be filled by residents of the target area; and that there also exists an acute shortage of local commercial establishments.

It is hereby further declared that the continued existence of such an area constitutes a serious and growing menace, injurious, and inimical to the safety, health, welfare of both the community and the Commonwealth; that the existence of such an area contributes substantially to the spread of disease and crime, necessitating disproportionate expenditure of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment, and the treatment of juvenile delinquency. That such an area, if left untreated, will continue to experience disinvestment; that the value of private investments are decreasing in value and thereby threatens the sources of public revenue and the financial stability of the community.

It is further declared that the target area continues to experience disinvestment and deterioration in terms of all financial measurements despite the operation of numerous town, city, state, and federal agencies.

It is hereby found and declared that there exists in the region substandard, decadent, or blighted areas; that each such area is inimical to the safety, health, morals, and welfare of the residents of the region and of the Commonwealth; decreases the value of private investments and threatens the sources of public revenue; and that, because of the economic social interdependence of communities, the economic and industrial development of cities and towns of the Commonwealth is substantially impaired. That there exists in the region a condition of substantial and persistent unemployment and underemployment seriously aggravated by an unacceptably low level of economic activity; that the development or redevelopment of the region requires the stimulation of private investment therein; that community development corporations in the target area have themselves invested substantial funds in development projects in the region and are experiencing difficulty in undertaking additional such projects by reason of the inadequacy of investment funds; that the further activity of such

community development corporations is necessary to their redevelopment; that a coordinating agency is necessary to develop a "master plan" to comprehensively revitalize the area; that the menace of the region is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided herein; that increasing the number of development projects in decadent substandard and blighted parts of the target areas, providing capital to community development corporations and small businesses within the region, and stimulating private investment in such businesses are public uses and purposes for which public money may be expended and invested.

It is therefore found that the redevelopment and revitalization of the target area in accordance with a comprehensive plan to promote the sound growth of the community is necessary in order to achieve permanent and comprehensive elimination of existing slums and substandard, decadent, and blighted conditions and to prevent the recurrence of such slums or substandard, decadent or blighted conditions or their redevelopment in other parts of the community or in the adjacent communities; and that the redevelopment of blighted open areas promotes the clearance of substandard and decadent areas and prevents their creation and occurrence; that the menace of blighted open, decadent or substandard areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise, town, city, state or federal governmental agencies without the aids herein provided; that the development of property for the purpose of eliminating blighted open, decadent or substandard conditions thereon and preventing recurrence of such conditions in the area, the removal of structures and improvement of sites, and disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by housing and redevelopment authorities and any assistance which may be given by cities and towns or any other public bodies in connection therewith, are public uses and purposes for which the aids herein provided may be given.

It is further declared that said regional development agency will

not replace of the functions of existing town, city, state or federal agencies or town, city, state or federal programs, but shall serve to complement and coordinate their activities to serve the people who reside in the target area.

SECTION 4. Creation, Membership, Quorum, Powers and Duties; President; Meetings; Employees.

There is hereby created a body politic and corporate to be known as the Blue Hill Regional Development Corporation or BHRDC. The BHRDC is hereby constituted a public instrumentality and the exercise by the BHRDC of the powers conferred by this act shall be deemed to be the performance of an essential governmental function.

The BHRDC is hereby placed in the Department of Communities and Development but shall not be subject to the supervision or control of said department or of any other board, bureau, or agency of the commonwealth, except as specifically provided in this act.

The corporation shall consist of twelve directors, one of whom shall be the Secretary of Communities and Development or his designee. The number of directors of said corporation may be increased according to the provisions of this section. The Governor shall appoint six members, one of whom shall be a person experienced in industrial development, one of whom shall be a person experienced in real estate development, one of whom shall be a person experienced in financial aspects of real estate development, one of whom shall be experienced in investment finance and banking, one of whom shall be experienced in employment development, and one of whom shall be leader in the community, not connected in a formal fashion to any CDC. The Mayor of the City of Boston shall appoint two members, one of whom shall be experienced in planning and one of whom shall be experienced in community services.

The Board of selectmen of the Town of Milton shall appoint one member. The Community Development Corporation or "CDCs" in the target area, namely: Community Development Corporation of Boston; Greater Roxbury Community Development Corporation; Jamaica Plain Neighborhood Development Corporation; Lena Park Community Development Corporation;

Lower Roxbury Development Corporation; Nuestra Comunidad Development Corporation; Roxbury Action Program; Roxbury-North Dorchester Neighborhood Revitalization Corporation; United South End/Lower Roxbury Development Corporation; and Urban Edge, Inc. shall select the remaining two members of the board.

In making their appointments, the appointing authorities shall attempt to reflect in their selections the ethnic composition of the region.

Each member appointed by the Governor shall serve a term of five years, except that in making his initial appointments, the Governor shall appoint one member for one year, one member for four years, and one member for five years.

Each member appointed by the Mayor of Boston shall serve a term of five years, except that in making his initial appointments, the Mayor shall appoint one member to serve for a term of one year, and one member for a term of five years.

The member appointed by the Board of Selectmen of the Town of Milton shall serve a term of five years, except that in making its initial appointment, the Board of Selectmen shall appoint its member to a term of two years.

Upon establishment of the BHRDC, the Greater Roxbury Development Corporation and the Lena Park Community Development Corporation shall each appoint one member to the board of directors. They shall each serve until the completion of the first "complete fiscal year". (Therefore, their term shall expire the second "June 30" after appointment.) Thereafter, appointees by the CDC shall serve for a "complete fiscal year" with terms beginning July 1 and ending June 30. At the start of the second complete fiscal year, the Roxbury-North Dorchester Neighborhood Revitalization Corporation and Nuestra Comunidad Development Corporation shall each appoint a member to the board of directors to replace the appointees by the Greater Roxbury Development Corporation and the Lena Park Community Development Corporation. At the start of the third complete fiscal year, Urban Edge, Inc., and the Lower Roxbury Development Corporation shall each appoint a member to the board of directors to replace the appointees by the Roxbury-North Dorchester Neighborhood Revitalization Corporation and

Nuestra Comunidad Development Corporation. At the start of the fourth complete fiscal year, the United South End/Lower Roxbury Development Corporation and the Jamaica Plain Neighborhood Development Corporation shall each appoint a member to the board of directors to replace the appointees by Urban Edge, Inc. and the Lower Roxbury Development Corporation. At the start of the fifth complete fiscal year, the Community Development Corporation of Boston and the Roxbury Action Program shall each appoint a member to the board of directors to replace the appointees by the United South End/Lower Roxbury Development Corporation and the Jamaica Plain Neighborhood Development Corporation. Prior to the start of the sixth complete fiscal year, the board of directors shall review the CDC rotational system of appointment and shall have the power to amend the "rotational system". The findings and amendments made by the board of directors shall be reported to the Governor and filed with the Clerk of the Senate and the Clerk of the House of Representatives. Said report shall be filed prior to the start of the sixth complete fiscal year. Subject to this review, the "rotational system" shall continue in this fashion with the following provisions for adding CDCs to the "rotational system" and for creating an additional board position to be filed by appointment by the CDC rotational system.

A two-thirds vote of members in attendance at a given meeting shall be required to recognize the creation of a new CDC in the target area. A new CDC recognized in the target area shall have the right to participate in the rotational system of appointing the two CDC representatives on the board of directors.

A "new" CDC's turn to exercise the power of appointment shall occur after all previously recognized CDCs have exercised their appointment power once, following the "new" CDCs recognition by the BHRDC.

An additional board position may be created by a three-fourths vote, of those present, of the board of directors. At least nine affirmative votes shall be required to enlarge the board of directors. Said board position shall be filled by appointment by the CDCs and shall become part of the CDC "appointment rotation system". Said board position shall be for a term of one year.

In the event any of the above-named CDCs either cease to exist as a corporate entity or decide not to exercise their power of appointment, the board of directors shall have the power to establish procedures for creating a replacement appointing authority.

Any person appointed to fill a vacancy in the office of a member shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment. Any member may be removed from his office by the Governor only for good cause. The Governor shall appoint the chairman of the board of directors of the corporation who shall be a member of the board. The Governor at the start of each fiscal year shall designate the chairman of the board of directors. Said chairmanship shall be for a term of one fiscal year. The initial chairman of the board of directors shall be designated by the Governor at the time of the creation of the board of directors. The directors shall annually elect one of their members as vice-chairman and designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the corporation and shall be the custodian of all books, documents, and papers filed with the corporation, the minute book of the corporation and of its official seal.

Six of the directors of the corporation shall constitute a quorum and six affirmative votes shall be necessary for the transaction of business or the exercise of any power or function of the corporation. Each director shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his official duties.

The corporation, its directors, officers, and employees shall be subject to the provision of section one to four, inclusive of chapter two hundred and sixty-eight A, except that the corporation may purchase from, sell to, borrow from, loan to contract with or otherwise deal with any public non-profit community development corporation organized to carry out the purposes of this act of which any director of the corporation is also a member or officer provided that such interest is disclosed in advance to members of the board and recorded in the minutes of the corporation and, provided further, that no director having such a financial interest may participate in any decision affecting such

transaction. To be completed, any such transaction where a board member has such a financial interest shall require at least a two-thirds majority vote of those members present and voting.

The president of the corporation shall be appointed and his salary shall be established by the board of directors. The president shall be the chief administrative and operational officer of the corporation and shall direct and supervise administrative affairs and the general management of the corporation. The president shall not be a member of the board of directors. The president may employ such other employees as shall be designated by the board of directors, shall attend meetings of the board of directors, shall cause copies to be made of all minutes and other records and documents of the corporation and shall certify that such copies are true copies, and all persons dealing with the corporation may rely upon such certification.

SECTION 5. Advisory Boards

There shall be three advisory boards to the BHRDC, one to represent the critical town, city, state, and federal agencies that operate in the target area; one to represent the CDCs in the area; and one to represent the region's "community leaders".

One advisory board shall consist of eleven members while the other two advisory boards shall consist of nine members.

Members shall be appointed as follows:

The CDCs shall each appoint one member to the CDC board. The original board will consist of a single representative from each of the following CDCs:

The Community Development Corporations or "CDCs" in the target area, namely: Community Development Corporation of Boston; Greater Roxbury Development Corporation; Jamaica Plain Neighborhood Development Corporation; Lena Park Community Development Corporation; Lower Roxbury Development Corporation; Nuestra Comunidad Development Corporation; Roxbury Action Program; Roxbury-North Dorchester Neighborhood Revitalization Corporation; United South End/Lower Roxbury Development Corporation; Urban Edge, Inc. The CDC Advisory Board shall expand in size by one member to represent each CDC recognized by the BHRDC through the procedure outlined in Section 4. There shall be one

space reserved for a representative of a CDC located in census tracts 4162 and 4163 (the Town of Milton).

The CDC advisory board shall expand in size by one member to represent each CDC recognized by the BHRDC through the procedure outlined in SECTION 4. Each member of the CDC board shall serve for a term of three years.

The "town, city, state and federal government" board or "government board" shall consist of eleven members who shall be appointed as follows: four by the Mayor of Boston; one to represent the Boston Redevelopment Authority, one to represent the Economic Development Industrial Corporation, one to represent the Neighborhood Development Employment Agency, and one to represent the Real Property Division; five by the Governor, one to represent the Executive Office of Transportation and Construction; one to represent the Executive Office of Administration and Finance; one to represent the Executive Office of Community Development; one to Represent the Executive Office of Economic Development; one to represent the Executive Office of Environmental Affairs. One shall be appointed by the Board of Selectmen of the Town of Milton to represent the Town of Milton. The remaining position shall be filled by a representative of the federal agency's "Housing and Urban Development" regional office. Members of the "Government Advisory Board" shall serve for three years provided however, that of those initially appointed by the Mayor of Boston, one shall be for a term of one year; one for two years; and two for three years each and of those initially appointed by the Governor, one shall be for a term of one year, two shall be for a term of two years, and two shall be for a term of three years each. The member appointed by the Board of Selectmen of the Town of Milton shall serve an initial term of one year. The representative of the Department of Housing and Urban Development shall serve for an initial term of two years.

The Community Board shall consist of nine representatives of the region; five shall be appointed by the Governor; three shall be appointed by the Mayor of Boston; and one shall be appointed by the Board of Selectmen of the Town of Milton. Members of the "Community Board" shall be residents of the region.

Members shall serve for terms of three years, provided however,

that of those initially appointed by the Governor, one shall serve a term of one year, two shall serve a term of two years, and two shall serve a term of three years; that of those initially appointed by the Mayor of Boston, one shall serve a term of one year, one shall serve a term of two years, and one shall serve a term of three years; and that the member initially appointed by the Board of Selectmen of the Town of Milton shall serve a term of three years.

For all three boards, vacancies arising otherwise than from the expiration of a term shall be filled by the designated appointing authority for the remainder of the unexpired term. Members shall receive no compensation for their services, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The full membership of each advisory board shall by majority vote from time to time elect a member to serve as chairman.

The advisory boards may advise the board of directors of the BHRDC with respect to its exercise of any power or discharge of any duty authorized by this act. The Advisory Boards may develop plans for the region and may develop an agenda for consideration by the Board of Directors. The Advisory Boards are authorized to monitor community concerns about ongoing projects and about the development of the comprehensive plan.

Each advisory board shall meet at least once every sixty days. The Board of Directors shall meet at least twice each year with each advisory board if so requested by the respective advisory boards; and may meet with an advisory board more often than twice annually if the board of directors believes such meetings would serve a useful purpose.

SECTION 6. Powers of the Blue Hill Regional Development Corporation. (BHRDC)

The BHRDC shall have the power to:

(a) Adopt bylaws for the regulation of its affairs and the conduct of its business.

(b) Adopt an official seal.

(c) Sue and be sued in its own name.

(d) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions.

(e) Acquire, hold and dispose of personal property for its corporate purposes.

(f) Enter into agreements or other transactions with any town, city, state, or federal agency. Enter into agreements with any private or public corporate entity.

(g) Acquire real property, or an interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the agency has an interest; t sell transfer and convey any such property to a buyer and in the event of such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property to a tenant. The agency shall also have the authority to provide guarantees for investments in the target area by either CDCs or "for profit corporation". The agency may provide guarantees for any investment in which it would be empowered to participate in an equity position. The Agency shall also have the authority to make any fiscal arrangements necessary to exercise its authority to issue such guarantees.

(h) Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the commonwealth.

(i) However, in the first "complete fiscal year" of its existence, the agency shall invest at least 20% of the interest earned during the "prior months" on the proceeds of the purchase of its common stock by the commonwealth in "community development enterprises" or "projects". In the second complete fiscal year, the agency shall invest at least 50% of all interest earned during the prior "complete fiscal year" on investments authorized by section (h) in community development enterprises. In the third complete fiscal year, the agency shall invest at least 75% of all interest earned during the prior "complete fiscal year" on investments authorized by section (h) in community development enterprises. In the fourth complete fiscal year, and each complete fiscal year thereafter, the agency shall invest at least 90% of all interest earned during the previous complete fiscal year by investments authorized by section (h) on community development enterprises.

(j) The agency should regard the "investment requirements" outlined in section (i) as a minimum level of investment activity. It should not treat them as goals. The agency should invest both

its interest earnings and its original bond proceeds in community development enterprises as quickly as possible while still exercising reasonable standards of project selection as outlined in SECTION 7.

(k) Borrow money by the making of notes and the issuance of bonds including tax-exempt revenue bonds and secure such bonds by the pledge of revenues, mortgages, and notes of others, provided that in no case shall the total indebtedness of the BHRDC exceed forty-five million dollars.

(l) Employ a president, who shall be the chief executive officer of the corporation, and such other agents, employees, professional and business advisers as may from time to time be necessary in the judgement of the board of directors and to fix their compensation. The president, professional advisers and business advisers shall not be subject to the provision of chapter thirty-one or section nine A of chapter thirty.

(m) Appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state, or federal.

(n) Procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable.

(o) Consent, subject to the provisions of any contract with noteholders or bondholders whenever it deems necessary or desirable in the fulfillment of the purposes of this act, to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, or any other terms, of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the BHRDC is a party.

(p) Do any and all things necessary or convenient to carry out its purpose and exercise the powers expressly given and granted in this act.

(q) Receive and accept from any federal, state, city or town agency grants, loans or advances for or in aid of the purposes of this chapter and to receive and accept contributions from any source of either money, property, labor or other things of value to be held, used and applied for said purposes.

(r) Create, issue, buy and sell stock and other capital participation instruments; to hold such stock and capital

participation instruments and to underwrite the creation of a capital market for these securities in a manner which provides first offer of resale to the community development corporation, business or residents of the target area and which is designed to enhance development of capital ownership in the target area.

(s) Provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act. Said services should be provided by industry experts whenever possible.

(t) Exercise any other powers or rights or responsibilities of a corporation organized under chapter 156B.

(u) The agency shall also develop and continually update a comprehensive redevelopment plan for the region. Such a "master plan" should be designed to meet the needs of the community residents. However, such plan should also be developed in conjunction with citywide and statewide development plans.

(v) The agency shall have the authority to establish one or more "informational clearinghouses" located in the target area. Such "clearinghouses" should serve as "one-stop centers" for residents to obtain information regarding economic development programs open for participation by community residents.

SECTION 7. Purchase of Corporate Shares by Commonwealth;
Disposition of Funds; Capital Participation
Instruments; Financing Certain Projects.

The State Treasurer, subject to appropriation or the authorization of the issuance of bonds for this purpose, shall purchase shares of the Corporation in the amount of twenty-five million dollars.

In return for said investment, the Commonwealth shall receive one million shares of common stock in the corporation. These shares shall constitute the entire issues of common stock.

Upon the commencement of the eighth year after the sale of the general obligation bonds and upon the request of the treasurer, the board of directors of the BHRDC shall assist the treasurer in implementing a plan for the sale of the shares of common stock held by the Commonwealth.

The corporation shall hold the proceeds of said investment in

an account or accounts separate from other funds. The corporation shall use said proceeds for only two purposes: (1) to purchase capital participation instruments from community development corporations in return from an investment in a specific project only when the board of the BHRDC finds that the community development corporations will use the funds in support of a project consistent with the purposes of this chapter and (2) to invest funds in any security eligible for investment under the provisions of section thirty-eight of chapter twenty-nine. Proceeds of these investments may be used for the normal business expenses of the BHRDC.

Upon application of a CDC for a specific project, the BHRDC may, subject to the restrictions set forth in section 6 agree to purchase capital participation instruments from said CDC, provided that the BHRDC shall find and incorporate in its minutes that;

1. The project is within the scope of the chapter and may be reasonably be expected to contribute to the redevelopment of the target area and the target area and the economic development of the region or will increase or maintain threatened primary employment.

2. The project plans conform to all applicable environmental zoning, building, planning, or sanitation laws.

3. The project will be of public benefit and for a public purpose, and that the benefits, including increased employment and improved standard of living, shall primarily accrue to residents of the target area.

4. There is a reasonable expectation that the project will be successful.

5. Private industry has not provided sufficient capital required for the project or sufficient primary employment opportunities in the project's area.

6. The BHRDC determines that its participation is necessary to the successful completion of the proposed project because funding for the project is unavailable in the traditional capital markets, or that credit has been offered on terms that would preclude the success of the project.

7. The applicant CDC meets the standard of a CDC as defined in section two and appears able to manage its proposed project

responsibilities. If the applicant CDC is unable to meet the standard of a CDC as defined in section two or if the proposed project is refused for failure to meet the standard outlined in this section, then the BHRDC is authorized to give the applicant CDC technical assistance. Such technical assistance may be directed toward improving the day to day operation of the CDC. Such technical assistance may also be directed toward improving the project application. Such technical assistance may also be directed toward assisting the CDC to identify alternative funding sources for its project and to assist the CDC in shaping its project to conform to the alternative funding source's requirements.

8. The proceeds of the purchase or contract will be used solely in connection with the costs of the project.

9. Provision has been made in contract for adequate reporting of financial data from the CDC to the BHRDC. Such provisions may include a requirement for an annual or other periodic audit of the project books.

10. The BHRDC, or the BHRDC in combination with its subsidiary, shall not own more than forty-nine percent of the voting stock in any enterprise. However, if after the agency has made an initial investment, and the enterprise appears ready to fail, the agency is authorized to obtain more than forty-nine percent of the voting stock in the enterprise. After the new financial arrangement is completed, the agency shall develop a plan to divest its share of ownership above forty-nine percent of the voting stock. Divestiture should be accomplished within five years after the financial arrangements for the "rescue operation" have been finalized.

11. The CDC will maintain sufficient control over the project to ensure that public benefit and public purposes are maintained. This determination shall be satisfactorily complied with if any one of the following is satisfied:

(a) The project is conducted by a wholly-owned subsidiary of the CDC.

(b) The CDC owns a majority of the capital stock of the corporation or other organization conducting the project.

(c) The CDC owns a majority of the voting stock of the corporation conducting the project.

(d) The project is conducted by a limited-dividend corporation

or other association organized under the laws of the Commonwealth to provide public benefit and which exists for a public purpose.

(e) The project is conducted by a non-profit corporation including local development corporations organized under the Small Business Act.

(f) In all other cases, adequate provision is made for reporting to the CDC, and that the CDC must approve all major transactions including but not limited to any sale, merger, dissolution, the sale or issue of substantial amounts of stock, and corporate reorganization.

12. Provision has been made that should the BHRDC desire to sell or otherwise dispose of stock received pursuant to such a contract, that the CDC or its nominee shall have within one hundred and twenty days the right of first refusal upon said sale and the right to meet any subsequent bona fide offer by a third party.

13. BHRDC has not invested or loaned more than twenty-five percent of its lendable or investable resources in any one CDC, including this investment.

Such findings when adopted by the BHRDC shall be conclusive.

SECTION 8. Limited Small Business Investment Corporation; Financing Certain Products.

The BHRDC is hereby specifically authorized to establish a limited small business investment corporation. (Said small business investment corporation shall be established within three years of the date of enactment of this chapter.) The board of directors of the BHRDC shall sit as the board of directors of the small business investment corporation. This subsidiary limited small business investment corporation shall invest equity capital and make loans to start-up, acquire or expand small businesses which carry out the purposes of this act.

The BHRDC is hereby authorized to expand such sums as may be appropriated for initial investment in the subsidiary SBIC. None of the proceeds derived from the investment for the common stock investment provided for in section 7 shall be used to support the establishment or operation of this subsidiary limited small business investment corporation.

Upon application of a small business for a specific project, the subsidiary SBIC may provide equity capital or loans subject to the restrictions of this chapter. Before any such transaction is executed, said subsidiary SBIC shall determine and incorporate in its minutes that: —

(1) The project is within the scope of this chapter and may reasonably be expected to contribute to the redevelopment and economic well-being of target areas or will increase or maintain threatened primary employment.

(2) In cases where a community development corporation is participating in a project, the community development corporation meets the standards of a CDC, as defined in section 2 and appears able to manage its proposed project responsibilities.

(3) The BHRDC determines that its participation is necessary to the successful completion of the proposed project.

(4) The proceeds of the purchase or contract will be used solely in connection with the costs of the project.

(5) Provision is made in the contract for adequate reporting of financial data from the small business to the BHRDC. Such provisions may include a requirement for an annual or other periodic audit of the project books.

(6) The BHRDC determines that its participation is necessary to the successful completion of the proposed project because funding for the project is unavailable in the traditional capital markets, or that credit has been offered on terms that would preclude the success of the project.

(7) The proceeds of the transaction shall be used solely for the costs of the project.

(8) In no case shall the BHRDC, or the BHRDC in combination with its subsidiary SBIC, own more than forty-nine percent of the voting stock in any small business. However, if after the agency has made an initial investment, and the enterprise appears ready to fail, the agency is authorized to obtain more than forty-nine percent of the voting stock in the enterprise. After the new financial arrangement is completed, the agency shall develop a plan to divest its share of ownership above forty-nine percent of the voting stock. Divestiture should be accomplished within five years after the financial arrangements for the "rescue operation" have been finalized.

(9) Provision has been made that should the BHRDC desire

to sell or otherwise dispose of stock received pursuant to such a contract, that the small business or its nominee shall within one hundred and twenty days have the right of first refusal upon said sale and the right to meet any subsequent bona fide offer by a third party.

SECTION 9. Liability and Attachment.

The BHRDC shall be liable in contract or in tort in the same manner as a private corporation. The directors, employees, officers and agents of the corporation shall not be liable as such on its contracts or for torts not committed or directly authorized by them. The property or funds of the BHRDC shall not be subject to attachment or to levy and sale on execution, but if the BHRDC refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the BHRDC is situated, may direct the treasurer of the BHRDC to pay such judgement.

SECTION 10. Taxation of Property.

The lands and tangible personal property of the BHRDC shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments.

Nothing in this act shall be construed to prevent the taxation to the same extent and in the same manner as other lands are taxed, of lands acquired by the BHRDC and sold by it, or of lands so acquired by the BHRDC and leased by it; provided, however, that lands so acquired by the BHRDC and sold or leased to an urban redevelopment corporation or other entity operating under chapter one hundred and twenty-one A of the General Laws or to an insurance company or savings bank or groups of savings banks operating under said chapter, or a corporation or other entity operating under chapter one hundred and twenty-one C of the General Laws, or the economic development and industrial corporations of Boston, or such other corporations as may be established by special law shall be taxed as provided in such chapter or special law and not otherwise.

SECTION 11. Fiscal Report.

The BHRDC shall annually submit to the governor, the chairman of the Senate Ways and Means Committee, the chairman of the House Ways and Means Committee, the commissioner of Administration, and the comptroller within ninety days after the end of its fiscal year a complete and detailed report setting forth its operations and accomplishments; its receipts and expenditures during such fiscal year; and, its assets and liabilities at the end of its fiscal year.

SECTION 12. Annual Audit.

The books and records of the BHRDC shall be subject to annual audit by the Auditor of the Commonwealth.

SECTION 13. Liberal Construction.

This act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 14. Severability.

The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SPONSOR	BILL NO.	TITLE/DESCRIPTION	STATUS	COMMITTEE
REP. GLORIA FOX	H. 322	LEGISLATION TO PROVIDE FOR AN ORDER OF PREFERENCE	1/7/87	H. REFERRED TO THE COMMITTEE ON HUMAN SERVICES AND ELDERLY AFFAIR
			5/5/87	H. BILL REPORTED FAVORABLY BY COMMITTEE AND REFERRED TO THE COMMITTEE ON HOUSE WAYS AND MEANS - HJ 523
REP. GLORIA FOX	H. 1677	LEGISLATION TO ESTABLISH NEIGHBORHOOD AUTHORITIES IN CERTAIN CITIES	1/7/87	H. REFERRED TO THE COMMITTEE ON HOUSING AND URBAN DEVELOPMENT
			5/18/87 S.	SENATE CONCURRED SJ 536
			7/6/87 H.	OUGHT NOT TO PASS (UNDER JOINT RULE 10) AND PLACED IN THE ORDERS OF THE DAY FOR THE NEXT
			7/13/87	H. REPORT ACCEPTED - HJ 1158

HOUSE . . . . . No. 322

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray and Gloria L. Fox for legislation to provide for an order of preference in the placement of certain children in temporary custody homes. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT PROVIDING FOR AN ORDER OF PREFERENCE IN THE PLACEMENT OF CERTAIN CHILDREN IN TEMPORARY CUSTODY HOMES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 23 of chapter 119 of the General Laws as most recently amended by chapter 478 of the Acts of 1980 is hereby amended by inserting before the final sentences the following subsection: —

i. Whenever the Department of Social Services or a licensed child placement agency obtains temporary custody of a child through a court order or a voluntary placement, except a surrender pursuant to section two of chapter two hundred and ten, the department or agency, prior to making a placement arrangement for the child, shall inform the parent of his right to nominate a relative of the child or other person to be the guardian or the foster parent of the child and shall ask the parent whether he wishes to make such nomination. Whenever the parent of a child in the custody of the Department of Social Services or a licensed child placement agency nominates a relative or other individual to become the child's guardian, the department or agency shall, within fifteen days, investigate and pursue placement of the child with the proposed guardian provided that he is fit and willing to promote the child's best interests and to become the child's guardian. If the parent requests that the child be placed, as a foster placement, with a relative or other adult known to the child, the department shall, within fifteen days, investigate the proposed

parent provided he is able and willing to promote the best interests of the child and the family. At the time the department or agency obtains temporary custody of a child, if the parent does not nominate a guardian or request a foster placement with a relative or friend, the department or agency shall place the child in the following order of preference in the absence of good cause to the contrary:

1) with a relative of the child;

2) with a family of the same racial or ethnic heritage as the child;

3) with a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage and has on-going contact with others of the child's racial or ethnic background. If the child is not so placed, the department or agency shall indicate in writing in the case records of the child the reasons therefor. In any case where a child has been placed with someone other than a relative who has requested custody or a family of the same racial or ethnic heritage, the necessity and propriety of such placement shall be specifically reviewed at regular intervals thereafter and in any event at each case review thereafter.

HOUSE . . . . . No. 1677

By Ms. Fox of Boston, petition of Gloria L. Fox and other members of the House for legislation to establish neighborhood authorities in certain cities. Housing and Urban Development.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT TO ESTABLISH NEIGHBORHOOD AUTHORITIES IN CERTAIN CITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of Chapter 121B of the General Laws is hereby amended by adding the following new definitions:

"Neighborhood authority," a public body created pursuant to section four A.

"Project area," any geographic section of a city which is subject to, or may be substantially affected by, an urban renewal plan or other plan or a number of related plans, over which an urban renewal agency exercises a power of control, designation, approval, recommendation or similar power.

SECTION 2. Chapter 121B of the General Laws is hereby amended by adding after section 4 the following new section: —

Section 4A. Upon the request of 100 residents of a project area within a city of 100,000 or more residents, an urban renewal agency shall establish a neighborhood authority for that project area as hereinafter provided.

Within 9 days after receiving such request, the urban renewal agency shall hold an election among the residents of the project area for the purpose of selecting the members of a governing board for the neighborhood authority.

Said governing board shall consist of no fewer than 11 members and no more than 15 members.

Upon certification of the election, the neighborhood authority shall be managed, controlled and governed by said board.

Upon its establishment, the neighborhood authority shall be

delegated such responsibilities as the urban renewal agency agrees to delegate. The neighborhood authority working in conjunction with the urban renewal agency may consider:

a) the use of the land.

b) help develop criteria for selected developers to follow.

c) the opportunity to submit prioritized developers selection.

d) the opportunity to submit a report from the "neighborhood authority" to the local zoning board.

Any agreement pursuant to neighborhood authorities shall be put in wi ting and executed by all parties involved.

The executive officer of communities and development shall promulgate rules and regulations for the purpose of monitoring this section.

SECTION 3. Section 46 of Chapter 121B of the General Laws is hereby amended by adding after paragraph (h) the following new paragraph: —

(i) In any city with a population of 100,000 or more, the urban renewal agency may be authorized to work in co-operation with the neighborhood authority.

SECTION 4. Section 50 of Chapter 121B of the General Laws is hereby amended by adding at the end of said section the following sentence: a neighborhood authority created pursuant to Section Four A of this chapter shall be considered a consultant to the urban renewal agency on a designated project to project basis.

SPONSOR	BILL NO.	TITLE/DESCRIPTION	STATUS	COMMITTEE
REP. SAUNDRA GRAHAM	H. 1894	LEGISLATION TO REGULATE STATE CONTRACTS WITH COMPANIES DOING BUSINESS WITH OR IN THE REPUBLIC OF SOUTH AFRICA OR NAMIBIA.	1/7/87	H. REFERRED TO THE COMMITTEE ON STATE ADMINISTRATION
			4/3/87	H. BILL REPORTED FAVORABLY BY COMMITTEE AND REFERRED TO THE COMMITTEE ON HOUSE WAYS & MEANS
REP. SAUNDRA GRAHAM	H. 4412	LEGISLATION TO ALLOW THAT PROVISION BE MADE FOR ACCESS TO CHILD CARE FOR HOUSEHOLDS OF LOW OR MODERATE INCOME	1/12/87	H. REFERRED TO THE COMMITTEE ON HUMAN SERVICES AND ELDERLY AFFAIRS
			7/1/87	H. ACCOMPAINED ON NEW DRAFT, SEE H. 5851
	H. 5851	BILL TO PROVIDE CHILD CARE LINKAGE	7/1/87	H. REPORTED FROM THE COMMITTEE ON HUMAN SERVICES AND ELDERLY AFFAIRS
			7/1/87	H. BILL REPORTED FAVORABLY BY COMMITTEE AND REFERRED TO THE COMMITTEE ON HOUSE WAYS & MEANS

HOUSE . . . . . No. 1894

By Ms. Graham of Cambridge, petition of Saundra Graham and other members of the General Court and another for legislation to regulate state contracts with companies doing business with or in the Republic of South Africa or Namibia. State Administration.

The Commonwealth of Massachusetts

Petition signed by:

Saundra Graham
Paul Kollios
David P. Magnani
Mark Roosevelt
Barbara E. Gray
Geoffrey C. Beckwith
John A. Businger
Christopher J. Hodgkins
John C. Bartley
Lawrence R. Alexander
Augusto F. Grace
Joseph K. Mackey
Barbara Hildt
Byron Rushing
Stanley C. Rosenberg
Marie E. Howe
Royal L. Bolling, Sr.
Daniel E. Bosely
Frances F. Alexander
Marjorie A. Clapprood
Peter A. Vellucci
Mary Jane Gibson
Frederick E. Berry
Gloria L. Fox
Michael J. Barrett
Raymond A. Jordan, Jr.
Shirley Owens-Hicks

Mass. National Organization for Women
by: Helene Wertzenbom

By Ms. Graham of Cambridge, petition of Saudra Graham and other members of the General Court and another for legislation to regulate state contracts with companies doing business with or in the Republic of South Africa or Namibia. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT REGULATING STATE CONTRACTS WITH COMPANIES DOING BUSINESS WITH OR IN THE REPUBLIC OF SOUTH AFRICA OR NAMIBIA.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Definitions. Section 1 of chapter 7 of the Massachusetts General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following definitions: —

The "government of South Africa" means any public or quasi-public entity operating within the Republic of South Africa, including, but not limited to, municipal, provincial, national, or other governmental bodies, including all departments and agencies of such bodies, public utilities, public facilities, or any national corporation in which the Republic of South Africa has a financial interest or operational responsibilities, and including Bantustans or so-called "independent" Homelands;

The "government of Namibia" (also known as "South-West Africa") means any public or quasi-public entity operating within Namibia, including, but not limited to, municipal, provincial, national or other governmental bodies, public utilities, public facilities, or any national corporation in which the public sector of Namibia has a financial interest or operational responsibilities;

"comparable low bid or offer" means a bid or offer which is no more than 10% greater than the lowest bid or offer submitted to the state agency;

"secretary" means the secretary of administration and finance of the commonwealth;

"state agency" means all awarding authorities of the commonwealth, including, but not limited to, all executive offices, agencies, departments, commissions, authorities, and public institutions of higher education, and the senate and house of representatives;

"doing business with South Africa or Namibia" means:

(a) having any operations, licenses, franchises, majority-owned subsidiaries, or contracts of assured supply in South Africa or Namibia;

(b) providing financial services to the government of South Africa or the government of Namibia, including providing direct loans, underwriting government securities, providing any consulting advice or assistance, providing brokerage services, acting as a trustee or escrow agent, or otherwise acting as an agent pursuant to a contractual agreement;

(c) promoting the importation or sale of gold or gold products from South Africa or Namibia;

(d) providing any goods or services to the government of South Africa or the government of Namibia;

"person" means any individual and any partnership, firm, association, corporation, or other entity;

"essential" means necesary in order that an agency may perform its mission, there being no substitute, to avoid irreparable harm to agency programs.

SECTION 2. Chapter 7 of the Massachusetts General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after section 22B the following sections: —

Section 22C. (a) Except as otherwise stated in this section, a state agency may not procure goods or services which:

(1) originate in South Africa or Namibia, or

(2) are provided by a person not located in South Africa or Namibia, but functioning as an operation, licensee, franchise, or majority-owned subsidiary of a person located in South Africa or Namibia, or functioning as an agent of the government of South Africa or the government of Namibia.

(b) A state agency may purchase goods or services specified above in subsection (a) of this section if the agency head certifies in writing to the secretary that:

(1) the procurement is essential; and

(2) there is no other available source.

Section 22D. (a) The secretary shall establish and maintain an apartheid list.

(b) The apartheid list shall contain the names of all persons currently doing business with South Africa or Namibia. It shall also contain the names of all persons functioning as operations, licensees, franchises or majority owned subsidiaries of all persons currently doing business with South Africa or Namibia.

(c) In establishing the apartheid list, the secretary shall consult the most recently annual report of the U.S. Consulate General of Johannesburg, entitled "American Firms, Subsidiaries and Affiliates — South Africa", United Nations reports, and other reliable sources.

(d) The apartheid list shall be updated at least once every three months.

(e) The secretary shall provide the list of all state agencies.

Section 22E. (a) Excepot as otherwise stated in this section, a state agency may not accept a bid or offer from any person on the apartheid list maintained by the secretary.

(b) A state agency may accept a bid or offer from a person on the apartheid list only after certifying in writing to the secretary that:

(1) the procurement is essential; and

(2) compliance with subsection (a) of this section would eliminate the only bid or offer, or would result in inadequate competition.

(c) In any procurement that includes bidders or offerers who are on the apartheid list, the state agency may award the contract to a person on the apartheid list only if there is no comparable low bid or offer by a person who is not on the apartheid list.

Section 22F. In any solicitation, a state agency shall provide ample notice of the requirements of this act.

Section 22G. This act shall take effect upon passage, providing, however, that any existing contractual agreement shall remain in full force and effect and not subject to the provisions of this act until such time as the renewal of the contractual agreement.

Section 22H. (a) The requirements of this act supersede any conflicting provisions of law.

(b) Any contract entered into in vioaltion of this act is void.

(c) Acting within the provisions of this act, the secretary shall continue to allow all other purchasing preferences specified in section 22 of this chapter.

Section 22I. Commencing one year after the effective date of

this act and annually thereafter the secretary shall file a report with the general court detailing the status of compliance with the act.

Section 22J. The provisions of this act are renewable and the invalidity of any section or subsection shall not effect the continuing validity of any other section.

HOUSE . . . . . No. 4412

By Ms. Graham of Cambridge, petition of Saundra Graham, other members of the General Court and another that provision be made for access to child care for households of low or moderate income. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT PROVIDING CHILD CARE LINKAGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The general court finds and declares that a serious public emergency exists with respect to the shortage of adequate and affordable child care in Massachusetts, particularly for low and moderate-income households. The shortage in child care has been brought about by the changing status of women in the family relationship and economic workforce wherein more than 80% of women of child-bearing age are now working outside the home.

As found by the governor's day care partnership project in 1985, over forty percent of mothers with children under the age of six are in the workforce; only one job in four held by women pays enough economic compensation to support a family above the poverty line or sufficient to afford adequate day care; child care is the fourth largest expenditure for working families, after food, housing, and taxes; one third of Massachusetts families needing day care are able to find affordable child care; that the lack of affordable child care has reached crisis proportions.

The general court forthwith adopts the findings of the governor's day care partnership project.

It is further found by the general court that commercial and industrial development projects in the commonwealth benefit from the availability of child care for persons employed in such facilities. However, the supply of child care in the commonwealth

has not kept pace with the demand for child care created by these new developments.

It is further found that it is improbable that factors inhibiting the supply of child care will be mitigated by the marketplace.

SECTION 2. It is hereby declared that the lack of child care is a serious and growing problem, injurious and inimical to the safety, health and welfare of the residents of the commonwealth. The problem constitutes an economic and social liability, and substantially impairs and arrests the sound growth of cities and towns. The economic and social interdependence of different communities and of different areas within a single community necessitates that the problem be addressed by a comprehensive plan in order to achieve a permanent solution.

The policy of the commonwealth shall be to assure that adequate measures are undertaken and maintained to provide access to child care, especially to households of low and moderate income. The public emergency in child care shall be addressed in part by requiring developers of commercial and industrial development projects to provide on-site affordable quality child care programs, or contribute to a fund for quality, affordable child care.

SECTION 3. Definitions.

Section 2 of Chapter 28A of the General Laws is hereby amended by adding the following definitions: —

"Child Care Fee," a fee equal to a set charge per gross foot newly developed or renovated space exacted by a city, town or state as a condition of approval of certain development in order to further public purposes;

"Local planning board," shall be defined as in section eighty-one L of chapter forty-one of the General Laws;

"Permit granting authority," shall include inspectors or building commissioners as defined in section three of chapter one hundred and forty-three of the General Laws;

"Household of low or moderate income," families or persons whose gross monthly income is equal to or less than one hundred and fifteen percent of the state median income, adjusted annually by a percentage amount equal to the percentage rise in the United States consumer price index for urban consumers;

"Development project," shall mean any new construction, addition, extension, conversion or enlargement, or combination thereof, of any building as defined in section one of chapter one hundred forty-three of the General Laws.

"Community" shall mean the city or town in which a development project occurs; if said city or town contains fewer than fifty thousand residents, then "community" may also include cities and towns contiguous to said city or town, at the discretion of the state-supported child care resource and referral agency responsible for that service area.

SECTION 4. Chapter 28A of the General Laws is hereby amended by inserting after section 5 the following:

Section 5A. The director of the office shall promulgate regulations for the approval of plans submitted by developers to construct, create an addition to or change the use of a commercial, hotel, or industrial development project equaling at least fifty thousand square feet of space. Such regulations shall require that said development plans include on-site space for a non-profit day care center, which shall meet the requirements of this chapter.

Section 5B. Regulations promulgated pursuant to section five A shall meet the following standards and formula:

(a) have a minimum gross floor area of two thousand square feet or two percent of the total new, additional or renovated square feet of floor area, whichever is greater;

(b) be provided without charge for rent, utilities, property taxes, building services or any other charges;

(c) be provided for the life of the building or until the developer or owner can demonstrate that there is no longer a need for the day care center, and

(d) comply with all applicable licensing requirements for child care facilities.

In the event that the office has determined that a non-profit day care center is not available to contract with the developer or owner of said development projects, the office shall require that said development plans include on-site space for a for-profit day care center, which shall meet the following standards and formula:

(a) have a minimum gross floor area of two thousand square feet or two percent of the total new, additional or renovated square feet of floor area, whichever is greater;

(b) be provided for the life of the development project or until the developer or owner can demonstrate that there is no longer a need for the day care center; and

(c) comply with all applicable licensing requirements for child care facilities.

This office shall enter into a written agreement with the executive office of economic affairs which shall provide for interagency procedures and standards for developers and owners of development projects subject to the provisions of this act to contract with non-profit and for-profit providers of child care services. Such child care services shall be provided according to the following prioritization:

(a) low and moderate-income employees of the development project;

(b) other employees of the development project;

(c) low and moderate-income families from the community; and

(d) other families from the community;

provided that no less than twenty-five percent of the on-site child care spaces at each center be reserved for families from the community, and that no less than sixty percent of those families be low and moderate income. Further, the on-site provider shall maintain the economic, cultural and racial diversity of the center population.

The director shall, within fifteen working days after the plan is filed, report to the appropriate local planning board, in writing, approval or disapproval of said plans. In the event of disapproval, the office shall include the reasons therefor and recommendations in such report. Said local planning board shall not approve a plan until the office approves such plan.

A developer may choose, in lieu of providing on-site space for day care facilities, to pay a child care fee to the affordable child care fund established pursuant to section 5C of this act.

Section 5C. There shall be established within the treasury of the commonwealth a special trust fund known as the "affordable child care fund." The fund shall be administered by the secretary of the executive office of economic affairs, but shall not be subject to the jurisdiction of the office. The affordable child care fund is hereby constituted a public instrumentality and the exercise by

the trust of the powers conferred by this act shall be deemed to be the performance of an essential governmental function.

The fund shall be administered in the following manner: up to ten percent of the funds deposited annually shall be allocated for the administration of the affordable child care fund advisory board. The extent of the allocation shall be determined by the board. The remaining annual deposits shall be allocated directly to the affordable child care fund advisory board for disbursement to state-supported child care resource and referral agencies. The earnings realized from these funds shall be allocated to the affordable child care fund advisory board for disbursement.

The affordable child care fund shall be governed by and its powers exercised by a board of trustees which shall consist of twelve members as follows: the secretary of the executive office of economic affairs, secretary of the executive office of human services, secretary of the executive office of communities and development, secretary of the executive office of labor, director of the office for children, commissioner of the department of social services, and six public members experienced in the field of child care appointed by the governor from each of the commonwealth's six Human Services Area (H.S.A.) regions. The term of each public member shall be two years. The advisory board shall elect a chairperson of the board and other officers as it considers appropriate.

The affordable child care fund advisory board shall meet at least four times in the first year, and twice annually every year thereafter. The board shall develop procedures for the allocation of funds from the affordable child care fund.

The child care fee received from a developer shall be allocated to the state-supported child care resource and referral agency responsible for the service area which includes that development project. Prioritization for the use of these funds shall be as follows:

(a) financial assistance for low and moderate income employees of the development project needing child care;

(b) expenditures which improve access to quality, affordable child care for low and moderate income families in the community; provided that no less than 25% of each fee be used in the community.

The board shall develop criteria for the provision of financial assistance to low and moderate income employees of the development projects.

The child care resource and referral agencies shall assess the child care needs of the community, and develop options for expenditure of funds in the community. The agencies shall seek and encourage the participation of community parents, child care providers, employers and Councils for Children in that assessment and development process. Such expenditure options may include, but are not limited to, grants for the establishment of new day care centers and direct financial assistance to families in need. The funds may be used in conjunction with other private and public funding sources, when available. The agencies may include expenses for the development and administration of funding options in their expenditure plans.

The board shall review and monitor all expenditures of monies from the affordable child care fund.

The board shall establish a child care fee equal to the product of the total new, additional or renovated square feet of floor area multiplied by two dollars. The fee shall be paid into the affordable child care fund, and shall be due upon the issuance of a certificate of occupancy for the development project or twenty-four months after the granting of the building permit, whichever comes first.

The child care fee rate shall be subject to recalculation by the advisory board of the affordable child care fund two years after the effective date of this provision and every two years thereafter. The recalculation shall be based on the rise in the consumer price index of the United States Department of Labor between the effective date of this act and the issuance of the certificate of occupancy.

The board shall employ an executive director who shall be charged with carrying out the duties and responsibilities assigned by the board. Appropriations for this purpose and other administrative functions shall be approved by the board.

SECTION 5. Section 81L of chapter 41 of the General Laws is hereby amended by adding the following definitions: —

"Development project," shall mean any new construction, addition, extension, conversion, or enlargement, or combination

thereof, of any building as defined in section one of chapter one hundred forty-three of the General Laws.

SECTION 6. Chapter 41 of the General Laws is hereby amended by inserting after section 81.KK the following: —

Section 81.LL. Upon submission of a plan to construct, create an addition to or change the use of commercial, hotel or industrial development project equaling at least fifty thousand gross square feet of space, a planning board shall submit a copy of the proposed plan to the office for children within ten working days. The office for children shall, within fifteen working days after the plan is filed, report to the planning board, in writing, approval or disapproval of said plan, pursuant to sections 5A and 5B of chapter twenty-eight A. In the event of disapproval, the office shall include the reasons therefor and recommendations in such report. Said local planning board shall not approve a plan until the office approves such plan.

SECTION 7. Developers of development projects subject to the provisions of this act, or local planning boards, may file a claim for review of a decision made by the director of the office for children with the secretary of the executive office of human services. Unless said claim is filed within seven days, the decision of the director shall be enforceable under section four of this act.

If a claim for review is filed with the secretary of the executive office of human services, the secretary, or his or her designee, may hear evidence in regard to pertinent matters and may revise the decision made by the director in whole or in part. No party shall be entitled to a second hearing upon questions of fact.

SECTION 8. Assistance provided through the provisions of this act shall not render a recipient ineligible for existing or future state assistance programs.

SECTION 9. If a developer can demonstrate to the director of the office for children that a development will employ fewer than twenty individuals, the director may waive the requirements of this act.

SECTION 10. Commencing one year after the effective date of this act and annually thereafter, the director of the office for children shall file a report with the General Court detailing the status of compliance with this act, the effectiveness of this act in mitigating the commonwealth's shortage of child care facilities, the impact of this act on the amount of child care available to low and moderate-income households, and recommendations of legislative action which may effectuate the policies of this act.

SECTION 11. Effective July first of every year, the child care fee shall be increased by a percentage amount equal to the percentage in the United States Consumer Price Index for urban consumers for January first of that year over the level of said index for January first of the previous year.

SECTION 12. The provisions of this act are severable and the invalidity of any section or subsection shall not affect the continuing validity of any other said section.

SPONSOR	BILL NO.	TITLE/DESCRIPTION	STATUS	COMMITTEE
REP. RAYMOND JORDAN	H. 3029	LEGISLATION TO ESTABLISH A CODE OF FAIR PRACTICE IN STATE EMPLOYMENT.	1/8/87	H. REFERRED TO THE COMMITTEE ON PUBLIC SERVICE
			4/28/87	S. BILL REPORTED FAVORABLY BY COMMITTEE AND REFERRED TO THE COMMITTEE ON SENATE WAYS AND MEANS
REP. RAYMOND JORDAN	H. 3030	LEGISLATION RELATIVE TO THE APPOINTMENT OF CERTAIN OFFICERS OF THE COURTS OF THE COMMONWEALTH	1/8/87	H. REFERRED TO THE COMMITTEE ON PUBLIC SERVICE
			4/29/87	H. ACCOMPANINED A NEW DRAFT SEE 5388
	H. 5388	BILL RELATIVE TO THE APPOINTMENT OF CERTAIN COURT OFFICERS OF THE COMMONWEALTH	4/29/87	H. BILL REPORTED FAVORABLY BY COMMITTEE AND REFERRED TO THE COMMITTEE ON HOUSE WAYS AND MEANS - HJ 458

(324)

HOUSE . . . . . No. 3029

By Mr. Jordan of Springfield, petition of Raymond A. Jordan, Jr., Gloria L. Fox, Saundra Graham, Shirley Owens-Hicks and Linda J. Melconian for legislation to establish a code of fair practice in state employment. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT TO ESTABLISH A CODE OF FAIR PRACTICE IN STATE EMPLOYMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The General Laws are hereby amended by adding after chapter 151E the following new chapter: —

CHAPTER 151F.

Section 1. For the purposes of this chapter and its enforcement, the following terms, as used herein, shall have the following meanings: —

"Affirmative action", any policy action or measure taken to remedy the effects of past and present discriminatory practices, whether intentional or inadvertent, so that all persons are represented in and receive the benefit of programs and activities and employment in fair representation of their numbers in the population of each area where the programs, activities, and employment are located.

Such affirmative actions may include, but not be limited to active recruitment, hiring and promotion where necessary, the review of standards to remove any systematic bias, the offering of remedial or promotional training courses for upward mobility and education to expand the pool of applicants for job openings, the consideration of all examination scores above the passing grade in civil service hiring and promotions, and such other assistance that agencies and recipients may make available to persons and enterprises.

"Agency", for the purposes of this act, shall mean all departments and authorities as defined in section one of chapter thirty of the General Laws.

"M.C.A.D.", the Massachusetts Commission Against Discrimination.

"Commissioner", the commissioner of administration as defined in section one of chapter seven of the General Laws.

"Director", the director of affirmative action, as established by this chapter.

"Recipient", any political subdivision of the commonwealth, any instrumentality of any political subdivision, any public or private agency, institution, organization, or other entity to which state financial assistance is extended.

Section 2. No person in the commonwealth shall, on the grounds of race, color, national origin, sex, ancestry, age, religion, or condition of handicap, be excluded from participation in, be denied the benefits of or be subject to discrimination under any program or activity receiving public assistance. Recipients shall take affirmative actions to ensure that the effects of any past or present exclusion from participation in, denial of the benefits of, or discrimination subjected upon any person or group, whether intentional or unintentional, are remedied. Each agency or recipient shall designate one person in the agency, to be the affirmative action officer therein, and shall be responsible for administering the provisions of this act.

Section 3. There is hereby established within the executive office of administration and finance, a state officer of affirmative action and the director of such office shall be the chief affirmative action officer of the commonwealth, who shall establish the appropriate policies and procedures necessary to implement this chapter. State agencies shall develop and implement affirmative action programs to eliminate the effects of past and present employment patterns and practices which discriminate intentionally or unintentionally, on the grounds of race, color, national origin, sex, ancestry, religion, or condition of handicap. All such programs shall be subject to the approval of the state office of affirmative action.

Section 4. (*a*) Any person may file a written complaint with the director alleging noncompliance with sections two and three of this chapter, in accordance with the grievance procedures established by the director and approved by the com-

missioner. Said director shall review and investigate such complaint and make a written finding, and report any such finding to the commissioner within twenty-one days from the date on which said complaint was filed.

(*b*) Whenever the commissioner has reason to believe that there may be non-compliance with sections two and three of this chapter, he shall notify the appropriate state agency involved and attempt to achieve compliance. If compliance is not achieved within ninety days of such notification, the commissioner or his designee shall hold an administrative hearing pursuant to chapter thirty A of the General Laws and make a final finding of compliance or non-compliance. The director, when determined appropriate in consultation with the commissioner, shall assume approval or disapproval powers over all personnel actions and requisitions until compliance is achieved by the appropriate state agency.

Section 5. Any state agency or political subdivision of the commonwealth disbursing financial assistance, including but not limited to loans and grants, shall require recipient organizations to undertake affirmative action programs. Such programs shall be designed to eliminate the effects of the patterns and practices of discrimination due to race, color, national origin, sex, ancestry, religion, or condition of handicap and shall be subject to the approval of the M.C.A.D. All agencies disbursing such assistance shall develop rules, regulations, and procedures necessary to implement this section, subject to review, revision, and approval by the M.C.A.D.

Section 6. Whenever the M.C.A.D. has reason to believe that there may be non-compliance with section five of this chapter, it shall conduct a compliance review. If following the compliance review, the M.C.A.D. has reason to believe that there is non-compliance, it shall notify the recipient organization or state agency and attempt to achieve compliance. If compliance cannot be achieved within ninety days of such notification, the M.C.A.D. shall recommend appropriate sanctions to the agency disbursing the financial assistance, including but not limited to the withholding of funds disbursed to the recipient. Copies of said recommended sanctions shall be filed with the house and senate committees on ways and means.

Section 7. Agencies shall change and amend rules and regulations governing programs and activities to conform with the requirements of this chapter and shall provide written proof of such changes and amendments, where appropriate, to the M.C.A.D., the commissioner, and the governor no later than the last Wednesday of each calendar year.

No request or recommendation for appropriations or authorizations for expenditures by the commonwealth shall be submitted under the provisions of section six A of chapter twenty-nine unless there is attached thereto a statement indicating compliance with this section and signed by the officer having charge of the office or department submitting such request or recommendation.

The commissioner shall report on compliance with and enforcement of this chapter to the governor and the house and senate committees on ways and means at semi-annual intervals. Such reports shall describe in detail the employment profile of each agency and department and shall include information on the number and characteristics of persons hired, and separated from each agency during the preceding reporting period. Such reports also shall include description of the activities of the M.C.A.D. relative to enforcement of and compliance with this chapter.

The M.C.A.D. shall report to the commissioner and the governor on compliance with and enforcement of this chapter, at semi-annual intervals. Such reports shall describe compliance reviews and programs conducted by the M.C.A.D., as well as the rules, regulations, or guidelines which the M.C.A.D. has promulgated or approved in order to implement section three of this chapter.

Section 8. The general court shall take into account compliance reports filed under this chapter and the affirmative programs and policies of agencies, in determining the authorization and appropriations for agencies and programs thereof.

HOUSE . . . . . No. 3030

By Mr. Jordan of Springfield, petition of Raymond A. Jordan, Jr., Gloria L. Fox, Saundra Graham, Robert L. Howarth and Linda J. Melconian relative to the appointment of certain officers of the courts of the Commonwealth. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO THE APPOINTMENT OF CERTAIN OFFICERS OF THE COURTS OF THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 70 of chapter two hundred and twenty-one is hereby amended by striking out said section in its entirety, and inserting in place thereof the following new section: —

Section 70. Subject to appropriation, the chief administrative justice may appoint for attendance upon the several sessions of the trial court such officers as he deems necessary for the efficient operation of said court.

SECTION 2. As of the effective date of this act, any per diem court officer, so-called, scheduled to work at least one thousand nine hundred and fifty hours in the fiscal year ending June 30, nineteen hundred and eighty-six, shall be deemed to have been appointed as of said effective date under the provisions of section 70 of chapter two hundred and twenty-one of the General Laws, as amended by section one of this act, and shall be deemed to have been permanently appointed under said section upon the completion of a six-month probationary period. For the purposes of determining the seniority of such officers with regard to promotion, demotion, transfer, assignment, reduction in force, recall, or removal, and for the purposes of determining the step-in-range in which such officers are to be placed in the job group to which they are allocated in the job classification and pay plan of the trial court,

such officers shall be deemed to have been appointed as of the effective date of this act; provided, however, that in determining the relative seniority of two or more per diem court officers appointed pursuant to this act, seniority shall be determined from the earliest date on which such officers first began continuous service to the effective date of this act, provided that "continuous service" shall mean service as a per diem court officer of at least twelve hundred hours actually worked per fiscal year. All other matters related to the employment status and rights of such officers shall be determined by the chief administrative justice of the trial court.

SECTION 3. The provisions of section one shall not impair the employment status or rights in effect pursuant to section 70 of chapter 221 or to any other general or special law or rule or regulation immediately prior to the effective date of this act for any officer serving pursuant to said section prior to said effective date.

SECTION 4. This act shall take effect on July first, nineteen hundred and eighty-six.

SPONSOR	BILL NO.	TITLE/DESCRIPTION	STATUS	COMMITTEE
REP. SHIRLEY OWENS-HICKS	H.4436	LEGISLATION RELATIVE TO FORFEITED MONEY IN ILLEGAL DRUG DEALINGS	1/2/87	H. REFERRED TO THE COMMITTEE ON JUDICIARY
			6/4/87	H. ACCOMPANIED A STUDY ORDER, SEE H 5657 - HJ 885
	H. 5647	ORDER RELATIVE TO AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO MAKE AN INVESTIGATION AND STUDY OF CERTAIN HOUSE DOCUMENTS CONCERNING THE FORFETURE OF PROPERTY SEIZED IN CRIMINAL CASES.	6/4/87	H. ORDER REPORTED FAVORABLY BY COMMITTEE AND REFERRED TO THE COMMITTEE ON JOINT RULES HJ 885
	H. 4945	MASSACHUSETTS HOUSING FINANCE AGENCY BE DIRECTED TO ESTABLISH PROGRAMS TO PROVIDE HOMES FOR THE HOMELESS AND PERSONS OF LOW AND MODERATE INCOME.	1/2/87	H. REFERRED TO THE COMMITTEE ON HOUSING AND URBAN DEVELOPMEN
			5/13/87	H. REPORTED FROM THE COMMITTEE ON HOUSING AND URBAN DEVELOPMENT
	H. 5508	ORDER RELATIVE TO AUTHORIZING THE COMMITTEE ON HOUSING AND URBAN DEVELOPMENT TO MAKE AN INVESTIGATION AND STUDY OF CERTAIN HOUSE DOCUMENTS CONCERNING PROGRAMS TO PROVIDE ADEQUATE HOUSING FOR THE HOMELESS AND PERSONS OF LOW AND MODERATE INCOME.	5/13/87	H. ORDER REPORTED FAVORABLY BY COMMITTEE AND REFERRED TO THE COMMITTEE ON JOINT RULES HJ. 628

HOUSE . . . . . No. 4436

By Mrs. Owens-Hicks of Boston, petition of the Mothers Against Drugs, Shirley Owens-Hicks, Gloria L. Fox, Saundra Graham, Raymond A. Jordan, Jr., and another relative to forfeited money in illegal drug dealings. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO FORFEITED MONEY IN ILLEGAL DRUG DEALINGS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Any municipality that accepts this act may establish a board or commission similar in structure and power to the Boston finance commission established by chapter five hundred and sixty-two of the acts of nineteen hundred and eight. Said board or commission, among its other duties, shall have authority to oversee and manage all monies forfeited to state or local law enforcement agencies as a result of illegal drug activities as provided for in section two of this act.

SECTION 2. Notwithstanding the provisions of section forty-seven of chapter ninety-four C of the General Laws or any other law to the contrary, all monies forfeited to state or local law enforcement agencies as a result of illegal drug activities shall be turned over to the local board or commissioner authorized by section one, and established by the municipality wherein the monies were forfeited.

HOUSE . . . . . No. 4945

By Mrs. Hicks of Boston, petition of Shirley Owens-Hicks, Gloria L. Fox, Saundra Graham and Raymond A. Jordan, Jr., that the Massachusetts Housing Finance Agency be directed to establish programs to provide homes for the homeless and persons of low and moderate income. Housing and Urban Development.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO PROVIDING HOMES FOR THE HOMELESS, LOW AND MODERATE INCOME PEOPLE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The Massachusetts Housing Finance Agency is hereby authorized and directed to establish and manage a program whereby cities and towns may apply for funds to rehabilitate vacant and abandoned buildings for the purpose of providing homes for the homeless, low and moderate income people.

They may expend such funds as shall be appropriated for that purpose.

SPONSOR	BILL NO.	TITLE/DESCRIPTION	STATUS	COMMITTEE
REP. BYRON RUSHING	H.919	LEGISLATION THAT WILL ALLOW PROVISIONS BE MADE FOR VOTER REGISTRATION IN THE COURSE OF THE ANNUAL LISTING OF RESIDENTS.	1/7/87	S. REFERRED TO THE COMMITTEE ON ELECTION LAWS
			6/29/87	H. BILL REPORTED FAVORABLY BY COMMITTEE AND PLACED IN THE ORDERS OF THE DAY FOR THE NEXT SESSION HJ 1036
			6/30/87	H. MOTION TO RECONSIDER PENDING
			7/2/87	H. PENDING MOTION TO RECONSIDER PREVAILED
			7/2/87	H. POSTPONED TO MONDAY SEPTEMBER 14, 1987 HJ 1085
REP. BYRON RUSHING	S. 1686	LEGISLATION RELATIVE TO THE DISPOSITION OF CERTAIN STATE OWNED PROPERTY OF BOSTON STATE HOSPITAL.	3/12/87	S. REFERRED TO THE COMMITTEE ON JOINT RULES - SH 95
			3/26/87	S. REFERRED TO THE COMMITTEE ON STATE ADMINISTRATION
			4/29/87	S. REPORTED BY COMMITTEE TO CLERK'S OFFICE FOR PROCESSING WILL ACCOMPANY A NEW DRAFT

HOUSE . . . . . No. 919

By Mr. Businger of Brookline, petition of Michael J. Connolly, John A. Businger, Michael J. McGlynn, Stanley C. Rosenberg and Byron Rushing that provision be made for voter registration in the course of the annual listing of residents. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT PROVIDING FOR VOTER REGISTRATION IN THE COURSE OF THE ANNUAL LISTING OF RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 51 of the General Laws is hereby amended by inserting after section 4 the following section: —

Section 4A. Forms used in obtaining the information required by section four shall include at least two blank affidavits or registration in the form prescribed by section thirty-six, except that the word "TITLE" shall be replaced by the words "ADDRESS OF WITNESS." The form shall include such additional information and instructions as the state secretary may prescribe. One or more residents of the household to which said form is addressed may register as voters by completing and signing such an affidavit in the presence of a witness eighteen years of age or older, who shall add his signature and residential address, and by returning the form to the office of the registrars of voters. If the information required by section four is obtained by personal visit or by the method in section ten A, forms containing such blank affidavits shall be left for the use of residents of such buildings. Upon receipt of said completed and signed affidavit, the registrars shall certify that they have received it, shall date the affidavit which shall be the date of registration, and shall add the person's name to the current annual register of voters in accordance with sections forty-six and forty-seven A. Incomplete affidavits, or affidavits from the facts set forth in which it appears that the person is not qualified to register to vote, shall be subject to

the provisions of section forty-seven. If the affidavit of registration of any person is received by the registrars during a period when registration to qualify as a voter in a particular preliminary, primary or election is prohibited by section twenty-six, such person, if otherwise qualified, shall be registered and his name shall be placed in the voting lists as a registered voter for all later preliminaries, primaries or elections and such person shall be so notified. The provisions of sections two, six, seven, eight, and nine of chapter fifty-six, relative to penalties for offenses concerning the registration of voters, shall so far as pertinent, apply to persons registering to vote under this section.

SECTION 2. Section 42 of said chapter 51, as appearing in the 1984 Official Edition, is hereby amended by striking out in the second sentence, in line 3, the words "section forty-two A" and inserting in place thereof the words "sections four A and forty-two A".

SECTION 3. Said chapter 51 is hereby further amended by striking out section 44, as so appearing, and inserting in place thereof the following section: —

Section 44. Except as provided in section four A, a person seeking to register shall complete an affidavit in the form prescribed by section thirty-six and shall sign the affidavit under the pains and penalties of perjury in the presence of a registrar, assistant registrar or absent registration officer, if the person is unable to sign his name, he shall make his mark, which shall be witnessed by the registrar, assistant registrar absent registration officer, or witness under section four A. A person registering as a voter may at the same time and place establish his enrollment in a political party, as provided in section thirty-eight of chapter fifty-three, by indicating his desire to be enrolled on the affidavit of registration. The registrar, assistant registrar or absent registration officer shall certify that the affidavit was signed in his presence and shall date the affidavit which shall be the date of registration, except as provided in section four A.

SENATE . . . . . No. 1686

By Mr. Bolling, a petition (accompanied by bill, Senate, No. 1686) of Royal L. Bolling, Sr., Arthur Joseph Lewis, Jr., Paul J. Sheehy, Byron Rushing, Shirley Owens-Hicks, Gloria Fox, Joseph B. Walsh and other members of the House of Representatives for legislation relative to the disposition of certain state-owned pr( )erty at Boston State Hospital. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN STATE-OWNED PROPERTY AT BOSTON STATE HOSPITAL

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to contribute to the economic revitalization of Boston neighborhoods through the redevelopment of certain state-owned Boston State Hospital property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The deputy commissioner of capital planning and operations hereinafter referred to as the "deputy commissioner," is hereby authorized, subject to provisions of sections forty E through forty J inclusive of chapter seven of the General Laws, to sell and convey by deed approved as to form by the Attorney General, or to lease for a term of up to forty years with two additional ten year option periods, certain parcels of land located on the site of Boston State Hospital in the City of Boston, together with the buildings thereon, hereinafter referred to as "Parcel A", "Parcel B" and "Parcel C", to an entity or entities, hereinafter referred to as the "developer". An additional parcel of land currently under control of the metropolitan district commission, hereinafter referred to as "Parcel D", shall be included in the master plan described in Section 5. Said

conveyance shall be subject to sections 2 through 9 of this act and other terms and conditions required by the deputy commissioner of capital planning and operations in the agreement authorized pursuant to section eight. Said Parcels A, B, C, and D are bound and described as follows:

Parcel A. Beginning at a point located at the intersection of the southerly line of the American Legion Highway with the westerly line of Morton Street, said point being the northeasterly corner of the premises herein described;

Thence westerly along the southerly line of Morton Street approximately 1260 feet to a point on the westerly line of Myerson Road, a private way; thence southerly along the westerly line of Myerson Road, 650 feet more or less, to the intersection of the westerly line of Myerson Road with the northerly line of University Street, a private way; thence running northwesterly, westerly and southerly along the northerly and westerly line of University Street approximately 2,100 feet to a point on the northerly line of West Main Street, a private way; thence running easterly along the northerly line of West Main Street approximately 2,400 feet to a point on the westerly line of Morton Street; thence northwesterly along the westerly line of Morton Street approximately 1,500 feet to the point of beginning.

Said "Parcel A" contains approximately 88 acres of land, which precise configuration and area shall be described in a land survey accompanying the master plan.

Parcel B. Beginning at a point located at the intersection of the northwesterly line of Harvard Street with the easterly line of Morton Street, said point being the southeasterly corner of the premises herein described;

Thence northwesterly along the easterly line of Morton Street approximately 1,500 feet to the intersection of Morton Street and the southerly line of American Legion Highway; thence northeasterly along the curve of American Legion Highway approximately 600 feet to a point on the southwesterly line of East Main Street, a private way; thence southeasterly partially along the southwesterly line of East Main Street and partially along a line running parallel to East Main Street, approximately 1,750 feet to a point on the northerly line of Harvard Street; thence southwesterly along the northerly line of Harvard Street approximately 600 feet to the point of beginning.

Said "Parcel B" contains approximately 20 acres of land, which precise configuration and area shall be described in a land survey accompanying the master plan.

Parcel C. Beginning at a point located at the intersection of the southeasterly line of A ıerican Legion Highway and the southwesterly line of Austin Street, said point being the northwesterly corner of the premises herein described;

Thence southwesterly along the southeasterly line of American Legion Highway, approximately 580 feet to a point at the intersection of American Legion Highway and the southwesterly line of East Main Street at Parcel B; thence southeasterly along Parcel B approximately 1,750 feet to a point on the northerly line of Harvard Street; thence northeasterly along the northerly line of Harvard Street approximately 1,350 feet to the intersection of the northerly line of Harvard Street and the southwesterly line of Community Road, a private way; thence northwesterly, along the southwesterly line of Community Road approximately 280 feet to a point; thence southwesterly approximately 300 feet to a point; thence northwesterly approximately 500 feet to a point; thence northeasterly approximately 470 feet to a point on the southwesterly line of Austin Street; thence northwesterly along the southwesterly line of Austin Street approximately 350 feet to the point of beginning.

Said "Parcel C" contains approximately 23 acres of land, which precise configuration and area shall be described in a land survey accompanying the master plan.

Parcel D. Beginning at a point located at the intersection of the southwesterly line of Morton Street with the northwesterly line of American Legion Highway, said point being the southeasterly corner of the premises herein described;

Thence northwesterly along Morton Street approximately 400 feet to a point at the intersection of the southerly line of Canterbury Street and southwesterly line of Morton Street; thence westerly along the southerly line of Canterbury Street approximately 250 feet to a point; thence southeasterly along approximately 300 feet to a point; thence westerly approximately 650 feet to a point; thence northerly approximately 300 feet to a point on the southerly line of Canterbury Street, the last three lines being by other land of the Commonwealth; thence westerly and southwesterly along the southerly line of Canterbury Street

approximately 800 feet to a point that is the northeasterly corner of the Connolly Youth Service Center facility; thence southeasterly along the Connolly Youth Service Center facility and land now or formerly of the Italian Catholic Cemetery Association approximately 900 feet to a point on the northwesterly line of the American Legion Highway; thence northeasterly along the northwesterly line of the American Legion Highway approximately 1,200 feet to the point of beginning.

Said "Parcel D" contains approximately 17 acres of land, which precise configuration and area shall be described in a land survey accompanying the master plan.

SECTION 2. Pursuant to provisions of sections forty E through forty J of chapter 7 of the General Laws, the deputy commissioner is hereby authorized to transfer to the department of food and agriculture, subject to such terms and conditions as the deputy commissioner may prescribe in consultation with said department, for agricultural purposes including, but not limited to, cultivation of community gardens and agriculturally related economic development, the control of 22 acres of land, more or less, hereinafter referred to as "Parcel E", said land being bound and described as follows:

Beginning at a point located at the intersection of the southeasterly line of American Legion Highway and the northeasterly line of Walk Hill Street, said point being the northwesterly corner of the premises herein described;

Thence northeasterly, along the southeasterly line of American Legion Highway approximately 1,800 feet to a point on the westerly line of Myerson Road, a private way; then southerly, along the westerly line of Myerson Road approximately 650 feet to a point at the intersection of the westerly line of Myerson Road and the northerly line of University Street, a private way; thence northwesterly, westerly and southerly along the northerly and westerly line of University Street approximately 1,700 feet to a point, the last two lines being by land described in Parcel A; thence southwesterly approximately 380 feet to a point of the easterly line of Walk Hill Street; thence northwesterly approximately 950 feet along the northeasterly line of Walk Hill Street to the point of beginning.

Said "Parcel E" contains approximately 22 acres of land, which precise configuration and area shall be described in a land survey accompanying the master plan.

SECTION 3. The Boston State Hospital Citizens Advisory Committee, hereinafter "the committee", shall be comprised of twenty-eight (28) members, including:

(a) "Committee members" totalling twenty-four (24) in number and jointly appointed by the deputy commissioner and the secretary of environmental affairs.

(b) "Ex officio members" totalling four (4) in number and qualified by virtue of their office as follows: 1) Mayor of the City of Boston; 2) Senator, 2nd Suffolk; 3) Representative, 6th Suffolk; 4) Boston City Councilor, District 4.

The Committee shall review, comment, and make recommendations concerning any master plan and development proposals pertaining to the use and development of the parcels described in sections one and two, in order to promote economically and environmentally sound development of all or portions of those parcels. The deputy commissioner shall consider the committee's recommendations provided that said recommendations shall be advisory only, and in no event shall the deputy commissioner or the secretary of environmental affairs delegate their legal authority to the committee.

In addition to the twenty-eight members referenced in this section, the deputy commissioner and the secretary of environmental affairs shall invite the participation of all Boston city councilors and elected members of the General Court from Boston in committee meetings and provide opportunities to review, comment, and make recommendations concerning studies, master plans and proposals under consideration by the committee. All written material circulated to the committee shall also be circulated to these elected officials.

SECTION 4. The division of capital planning and operations is authorized to expend funds from item 1102-7871 of section two C of chapter 206 of the acts of 1986 for the purposes of preparing a master plan, requests for proposals, and disposition agreements including, but not limited to, hiring consultants in

areas of planning, real estate marketing, and the law, to prepare surveys, studies, appraisals, and environmental reports, if required, to determine guidelines for the development of the parcels described in sections one and two, and preparing public information and providing for public participation in the development process. The master plan shall include a property description and site plan showing the boundaries of each parcel, narrative and graphic presentation of the characteristics of the site, a feasibility study and an analysis of the costs and benefits of developing said parcels for the following uses, including office space, light manufacturing, housing, open space, agricultural, recreational and related uses, recommended reuses of each parcel, and development guidelines and restrictions to be incorporated into requests for proposals and disposition documents; and shall take into consideration the continuing operation of the programs of state agencies on contiguous parcels. At least thirty days before adoption of the master plan, the deputy commissioner shall submit a copy of said master plan to the house and senate committees on ways and means. Following adoption of the master plan, the deputy commissioner shall submit a copy of said master plan to the joint committee on state administration, the house and senate committees on ways and means, and the inspector general.

SECTION 5. Following the adoption of the master plan described in section four and pursuant to the provisions of sections forty F through forty J of chapter seven of the General Laws, the deputy commissioner shall solicit and select development proposals and negotiate and execute land disposition instruments, hereinafter "the agreement," based on the requirements of this act and the development guidelines adopted in the master plan.

SECTION 6. The deputy commissioner shall, thirty days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment to the inspector general for his review and comment regarding its consistency with the master plan within fifteen days of his receipt of any agreement or amendment. The agreement shall include, but not be limited to, the following conditions:

(a) appropriate affirmative action goals and minority and

women business set aside goals to be achieved by the developer relative to employment of minorities, women and City of Boston residents during construction and as a permanent feature of the development.

(b) appropriate restrictions prohibiting employment discrimination on the basis of race, creed, color, sex, age, national origin, religion or handicap and appropriate affirmative action provisions.

(c) provisions for the establishment of educational, job training, job placement and day care components to assist job applicants, especially residents of Boston in gaining access to future employment created by said development.

(d) provisions for the assumption by said developer of various obligations for providing public services and improvements on the property described in Sections one and two in accordance with standards established in the master plan, as reasonably determined by the deputy commissioner.

(e) provisions for sanctions as reasonably determined by the deputy commissioner in the event the developer fails to fulfill its obligations as set forth in said agreement.

(f) requirements that the developer consult with the committee during the planning, development, construction and management of said development on a regularly scheduled basis, not to be less than four times each year.

(g) provisions that between ten and fifteen percent of the housing units created by the developer be reserved for clients of the department of mental heatlh and that not less than ten percent of the employment and training opportunities created by the developer be targeted for qualified clients of the department of mental health.

SECTION 7. The deputy commissioner is authorized to negotiate and enter into one or more leases with the developer to provide state office space or other space for state agencies on the parcels described in Sections one and two, for a term of up to ten years with an option to extend the term for up to an additional ten year period, provided that the rental amount for said lease shall in no event exceed the rent for comparable leases in the City of Boston as determined by the deputy commissioner,

and provided further that any such lease shall be based upon a review by the deputy commissioner of current and forseeable agency space needs in the Boston area.

SECTION 8. Pursuant to section forty F and section forty G of chapter seven of the General Laws, the amount of consideration for the sale or lease of the parcels referred to in Section one of this act, shall be an amount as determined by the deputy commissioner in accordance with procedures customarily accepted by the appraising profession, provided, however, that if the deputy commissioner determines that the consideration should be less than at fair market value, he shall provide a written disclosure in the central register, detailing the reasons for such determination, and the amount of consideration may be approved at the lesser value. The consideration for said parcels shall take into account the developer's obligations required by this act, the master plan, and the agreement.

SECTION 9. The deputy commissioner is hereby authorized to grant to the developer rights of way or easements in Parcel E as described in Section two and in other commonwealth property contiguous to the parcels described in Section one and the commonwealth may accept from the developer similar rights of way or easements in roadways or land on the parcels to be conveyed pursuant to this act.

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